

**MINUTES OF THE CITY-COUNTY COUNCIL
AND
SPECIAL SERVICE DISTRICT COUNCILS
OF
INDIANAPOLIS, MARION COUNTY, INDIANA**

**REGULAR MEETINGS
MONDAY, APRIL 14, 2008**

The City-County Council of Indianapolis, Marion County, Indiana and the Indianapolis Police Special Service District Council, Indianapolis Fire Special Service District Council and Indianapolis Solid Waste Collection Special Service District Council convened in regular concurrent sessions in the Council Chamber of the City-County Building at 7:01 p.m. on Monday, April 14, 2008, with President Cockrum presiding.

Councillor Coleman led the opening prayer and then invited Girl Scout Troop 1860 from Mary Bryan Elementary School to lead in the Pledge of Allegiance to the Flag and invited all present to join him.

ROLL CALL

The President instructed the Clerk to take the roll call and requested members to register their presence on the voting machine. The roll call was as follows:

28 PRESENT: Bateman, Brown, Cain, Cardwell, Cockrum, Coleman, Day, Gray, Hunter, Lutz, Mahern (B), Mahern (D), Malone, Mansfield, McHenry, McQuillen, Minton-McNeill, Moriarty Adams, Nytes, Oliver, Pfisterer, Plowman, Pryor, Sanders, Scales, Smith, Speedy, Vaughn
1 ABSENT: Evans

A quorum of twenty-eight members being present, the President called the meeting to order.

INTRODUCTION OF GUESTS AND VISITORS

President Cockrum introduced James Steele, Chief Financial Officer for the Council. Councillor Sanders introduced the newest member of the Council, Doris Minton-McNeill, who will fill the seat for District 15 left vacant by newly elected Congressman Andre Carson. Councillor Pfisterer recognized friend and student in the Senator Lugar Excellence Series, Lisa Honeycutt. Councillor McQuillen recognized Boy Scout Troop 276 from Lawrence Township and named its members. Councillor Brown recognized former firefighter Pat Nix. Councillor Oliver recognized Mike Reeves, Firefighters Local 416 Union President.

OFFICIAL COMMUNICATIONS

The President called for the reading of Official Communications. The Clerk read the following:

TO ALL MEMBERS OF THE CITY-COUNTY COUNCIL AND POLICE, FIRE AND SOLID WASTE COLLECTION SPECIAL SERVICE DISTRICT COUNCILS OF THE CITY OF INDIANAPOLIS AND MARION COUNTY, INDIANA

Ladies And Gentlemen :

You are hereby notified the REGULAR MEETINGS of the City-County Council and Police, Fire and Solid Waste Collection Special Service District Councils will be held in the City-County Building, in the Council Chambers, on Monday, April 14, 2008, at 7:00 p.m., the purpose of such MEETINGS being to conduct any and all business that may properly come before regular meetings of the Councils.

Respectfully,
s/Bob Cockrum
President, City-County Council

March 26, 2008

TO PRESIDENT COCKRUM AND MEMBERS OF THE CITY-COUNTY COUNCIL AND POLICE, FIRE AND SOLID WASTE COLLECTION SPECIAL SERVICE DISTRICT COUNCILS OF THE CITY OF INDIANAPOLIS AND MARION COUNTY, INDIANA:

Ladies and Gentlemen:

Pursuant to the laws of the State of Indiana, I caused to be published in the *Court & Commercial Record* and in the *Indianapolis Star* on Friday, March 28, 2008, a copy of a Notice of Public Hearing on Proposal Nos. 121 and 129-132, 2008, said hearing to be held on Monday, April 14, 2008, at 7:00 p.m. in the City-County Building.

Respectfully,
s/Melissa Thompson
Clerk of the City-County Council

March 26, 2008

TO PRESIDENT COCKRUM AND MEMBERS OF THE CITY-COUNTY COUNCIL AND POLICE, FIRE AND SOLID WASTE COLLECTION SPECIAL SERVICE DISTRICT COUNCILS OF THE CITY OF INDIANAPOLIS AND MARION COUNTY, INDIANA:

Ladies and Gentlemen:

I have approved with my signature and delivered this day to the Clerk of the City-County Council, Melissa Thompson, the following ordinance:

SPECIAL RESOLUTION NO. 8, 2008 – agrees to support and provide resources necessary for the City of Indianapolis to host the Super Bowl

March 30, 2008

TO PRESIDENT COCKRUM AND MEMBERS OF THE CITY-COUNTY COUNCIL AND POLICE, FIRE AND SOLID WASTE COLLECTION SPECIAL SERVICE DISTRICT COUNCILS OF THE CITY OF INDIANAPOLIS AND MARION COUNTY, INDIANA:

Ladies and Gentlemen:

I have approved with my signature and delivered this day to the Clerk of the City-County Council, Melissa Thompson, the following ordinances:

FISCAL ORDINANCE NO. 8, 2008 – appropriates \$25,000 in the Budget of the Marion County Justice Agency (Drug Free Community Fund) to fund a grant awarded to Drug Free Marion County, Inc. to cover the administrative expenses of that organization

FISCAL ORDINANCE NO. 10, 2008 - appropriates \$136,836 in the 2008 Budget of the Marion County Community Corrections Agency (State and Federal Grants Fund) to provide a substance abuse treatment program for offenders at the Duvall Residential Work Release Center, financed by a grant from the Indiana Criminal Justice Institute

FISCAL ORDINANCE NO. 11, 2008 - appropriates \$72,046 in the 2008 Budget of the Marion County Forensic Services Agency (State and Federal Grants Fund) to reduce the backlog of DNA casework in the

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Marion County Crime Lab, financed by a grant from the U.S. Department of Justice in association with the National Institute of Justice

SPECIAL ORDINANCE NO. 1, 2008 - a special resolution reapproving substantially final bond documents for GMF Mann Village, LLC in an amount not to exceed \$14,500,000 for the purpose of financing the acquisition and rehabilitation of the project formerly known as Mann Village Road (Global Ministries Fellowship (GMF) Mann Village Project) (District 22)

SPECIAL RESOLUTION NO. 5, 2008 – recognizes the Sertoma Club of Broad Ripple on their 50th anniversary

SPECIAL RESOLUTION NO. 6, 2008 – recognizes Joe Cooper and his many accomplishments through the Marion County Indy Reads program

SPECIAL RESOLUTION NO. 9, 2008 - a final resolution for Affordable Rental Housing, Inc. in an amount not to exceed \$30,000,000 for the purpose of refinancing of the cost of the acquisition, construction and equipping of three multifamily housing facilities consisting of: (1) a 324-unit apartment complex known as Capital Place Apartments (4100 Continental Court); (2) a 212-unit apartment complex known as Covington Square Apartments (115 South High School Road); and (3) a 321-unit apartment complex known as The Woods at Oak Crossing (3120 Nobscot Drive), together with functionally related and subordinate facilities such as recreational facilities and parking areas (Districts 23, 13, 8)

Respectfully,
s/Gregory A. Ballard, Mayor

ADOPTION OF THE AGENDA

The President proposed the adoption of the agenda as distributed.

Councillor Hunter moved to add Proposal No. 146, 2008 to the agenda this evening to be reconsidered, due to some technical errors in the proposal that need to be corrected before final signing. Councillor Vaughn seconded the motion and the motion carried by a unanimous voice vote. President Cockrum stated that the item will be heard on the agenda under Priority Business following the rezoning ordinances.

Without further objection, the agenda was adopted as amended.

APPROVAL OF THE JOURNAL

The President called for additions or corrections to the Journal of March 24, 2008. There being no additions or corrections, the minutes were approved as distributed.

President Cockrum stated that as a result of events at the last full Council meeting, he would like to take a moment to remind Councillors that meetings will be conducted according to Sec. 151 of the Code and Roberts Rules of Order. He read from Sec. 151-47 regarding testimony for items not under public hearing on the agenda. He said that only the presiding officer can recognize city officials or other individuals to speak to a proposal. A councillor would have to call for a majority vote if the presiding officer does not recognize an individual to speak. Also, those comments are limited to two minutes if requested by the presiding officer. President Cockrum added that there were also reports of some members of the public making obscene gestures on camera when a public official was speaking at the last meeting. He stated that this will not be allowed and he has asked the sergeant of arms to be cognizant of such actions and escort out any member of the public who displays such disrespect.

**PRESENTATION OF PETITIONS, MEMORIALS, SPECIAL RESOLUTIONS, AND
COUNCIL RESOLUTIONS**

PROPOSAL NO. 189, 2008. The proposal, sponsored by Councillors Gray and Moriarty Adams, recognizes Judge Zilthia Mae Jimison. Councillor Gray moved, seconded by Councillor Moriarty Adams, to postpone Proposal No. 189, 2008 until April 28, 2008. Proposal No. 189, 2008 was postponed by a unanimous voice vote.

PROPOSAL NO. 190, 2008. The proposal, sponsored by Councillor Bateman, recognizes Debra A. Merriwether for her continuous service to the community. Councillor Bateman stated that he will present the proposal to Ms. Merriwether at another time. He read the proposal and moved, seconded by Councillor Sanders for adoption. Proposal No. 190, 2008 was adopted by a unanimous voice vote.

Proposal No. 190, 2008 was retitled SPECIAL RESOLUTION NO. 10, 2008, and reads as follows:

CITY-COUNTY SPECIAL RESOLUTION NO. 10, 2008

A SPECIAL RESOLUTION recognizing Debra A. Merriwether for her continuous service to the community.

WHEREAS, Debra Merriwether is a devoted wife, a loving mother of five, a compassionate daughter, and a caring grandmother; and

WHEREAS, Ms. Merriwether began her endeavors as a caregiver during her high school years, in which she had to discontinue attending school to care for her ill mother. She attended a stay at home school was allowed to graduate with her class as a registered high honor roll student; and

WHEREAS, Ms. Merriwether became a missionary in 1977 and later worked with the United Way as a representative and counselor. She continues to lend a helping hand and demonstrate compassion to anyone with whom she comes into contact; and

WHEREAS, Ms. Merriwether works in many capacities to provide for those incarcerated citizens by visiting, donating money, and purchasing toys and other items for families of those individuals; and

WHEREAS, Ms. Merriwether moved to Indianapolis in 1985. She is a long-time employee of Eli Lilly and Company, is always concerned for the well-being of others, faithfully gives even when its challenging, and is now again caring for her ill mother; and

WHEREAS, Ms. Merriwether steps up to help the distressed in her neighborhood, community, and church family. She once went door-to-door to solicit donations, including items given from her own family, to help a family in her neighborhood that lost everything in a fire on Christmas morning; and

WHEREAS, while always providing steady support and care for her family, Ms. Merriwether has faithfully been involved with the following initiatives: United Way, Adopt-A-Family, Clothe-A-Child, Black Expo, Read-A-Thon, Eli Lilly community mentoring program, Back Pack Give Away, Goodwill Clothing Drive, Alzheimer's fund raising, various prison ministries, various science fairs, and Missionary Society (President); and

WHEREAS, in her effort to always seek for ways to help people, Ms. Merriwether is trying to obtain funding to open a community outreach ministry and has a vision of implementing a new transitional home for recently released offenders; now, therefore:

**BE IT RESOLVED BY THE CITY-COUNTY COUNCIL OF THE
CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA:**

SECTION 1. The Indianapolis City-County Council proudly recognizes Debra A. Merriwether for her endless displays of compassion for her family, friends, and anyone in need.

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SECTION 2. The Council commends Ms. Merriwether on her devotion to providing assistance, support, and general acts of kindness to all.

SECTION 3. The Mayor is invited to join in this resolution by affixing his signature hereto.

SECTION 4. This resolution shall be in full force and effect upon adoption and compliance with IC 36-3-4-14.

PROPOSAL NO. 200, 2008. The proposal, sponsored by All Councillors, recognizes Indianapolis Fire Department Chief James Greeson for his years of dedicated service. Councillor Pfisterer read the proposal and presented Chief Greeson with a copy of the document and a Council pin. Chief Greeson thanked the Council for the recognition and introduced members of his family and the fire department who have contributed to his success. Councillor Pfisterer moved, seconded by Councillor Gray, for adoption. Proposal No. 200, 2008 was adopted by a unanimous voice vote.

Proposal No. 200, 2008 was retitled SPECIAL RESOLUTION NO. 11, 2008, and reads as follows:

CITY-COUNTY SPECIAL RESOLUTION NO. 11, 2008

A SPECIAL RESOLUTION recognizing Indianapolis Fire Department Chief James Greeson for his years of dedicated service.

WHEREAS, James L. Greeson, armed with an Associates Degree in Computer Technology from Indiana Vocational Technical College, began his tenure with the Indianapolis Fire Department in 1970 as a private in the Fire Suppression Division; and

WHEREAS, Chief Greeson worked his way through the ranks from Merit Lieutenant and Captain in the Suppression Division to Division Chief, Deputy Chief and Merit Battalion Chief, as well as Shift Commander of the Operations Division; and

WHEREAS, in June 2004, Mr. Greeson was appointed Chief of the Indianapolis Fire Department and has served the citizens of Indianapolis well in this capacity during his four years as head of the department; and

WHEREAS, among Chief Greeson's many accomplishments during his tenure as Chief, he helped facilitate the successful mergers of Washington and Warren Township Fire Departments into IFD; reorganized the department, reducing staff by 44 members without closing fire stations; coordinated the hiring of over 130 firefighters to replace those retiring; and secured a portion of the Naval Avionics property for an IFD training facility; and

WHEREAS, Chief Greeson also played a pivotal role in Indianapolis being chosen to host the Fire Department Instructor's Conference (FDIC), one of the top five conferences held in Indianapolis having a direct spending impact on the economy, for the past three years, and helped to secure a partnership through 2011; and

WHEREAS, in the 2001 World Police and Fire Games, Chief Greeson won a bronze medal in track and field; and even with all of his duties as Fire Chief, Mr. Greeson has found time to invest in the community in other ways through his involvement in the Indiana Pacers Read to Achieve program, as a Merit Badge Counselor for the Boy Scouts of America, as a Youth Soccer Coach, and as a member of the Castleton United Methodist Church and Indianapolis Exchange Club; now, therefore:

BE IT RESOLVED BY THE CITY-COUNTY COUNCIL OF THE
CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA:

SECTION 1. The Indianapolis City-County Council recognizes Chief James L. Greeson, upon his retirement from the Indianapolis Fire Department, for over 37 years of dedicated service to the department and the citizens of Indianapolis.

SECTION 2. The Council wishes Chief Greeson much success in his new appointment as State Fire Marshall and hopes the new position affords him more time to enjoy his many interests of sailing, golfing, jogging and spending time with his family.

SECTION 3. The Mayor is invited to join in this resolution by affixing his signature hereto.

SECTION 4. This resolution shall be in full force and effect upon adoption and compliance with IC 36-3-4-14.

PROPOSAL NO. 81, 2008. Councillor Pfisterer reported that the Administration and Finance Committee heard Proposal No. 81, 2008 on March 25, 2008. The proposal, sponsored by Councillor Pfisterer, reappoints Sheriff Frank Anderson to the Information Technology Board. By a 6-0 vote, the Committee reported the proposal to the Council with the recommendation that it do pass. Councillor Pfisterer moved, seconded by Councillor Sanders, for adoption. Proposal No. 81, 2008 was adopted on the following roll call vote; viz:

26 YEAS: Bateman, Cain, Cardwell, Cockrum, Coleman, Day, Hunter, Lutz, Mahern (B), Mahern (D), Malone, Mansfield, McHenry, McQuillen, Minton-McNeill, Moriarty Adams, Nytes, Oliver, Pfisterer, Plowman, Pryor, Sanders, Scales, Smith, Speedy, Vaughn
0 NAYS:
2 NOT VOTING: Brown, Gray
1 ABSENT: Evans

Proposal No. 81, 2008 was retitled COUNCIL RESOLUTION NO. 57, 2008, and reads as follows:

CITY-COUNTY COUNCIL RESOLUTION NO. 57, 2008

A COUNCIL RESOLUTION re-appointing Sheriff Frank Anderson to the Information Technology Board.

BE IT RESOLVED BY THE CITY-COUNTY COUNCIL OF THE
CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA:

SECTION 1. As a member of the Information Technology Board, the Council re-appoints:

Sheriff Frank Anderson

SECTION 2. The appointment made by this resolution is for a term ending December 31, 2008. The person appointed by this resolution shall serve at the pleasure of the Council and until his successor is appointed and qualifies.

PROPOSAL NO. 116, 2008. Councillor Pfisterer reported that the Administration and Finance Committee heard Proposal No. 116, 2008 on March 25, 2008. The proposal, sponsored by Councillor Pfisterer, appoints Richard Petrecca to the County Property Tax Assessment Board of Appeals. By a 6-0 vote, the Committee reported the proposal to the Council with the recommendation that it do pass. Councillor Pfisterer moved, seconded by Councillor Bateman, for adoption. Proposal No. 116, 2008 was adopted on the following roll call vote; viz:

26 YEAS: Bateman, Cain, Cardwell, Cockrum, Coleman, Day, Hunter, Lutz, Mahern (B), Mahern (D), Malone, Mansfield, McHenry, McQuillen, Minton-McNeill, Moriarty Adams, Nytes, Oliver, Pfisterer, Plowman, Pryor, Sanders, Scales, Smith, Speedy, Vaughn
0 NAYS:
2 NOT VOTING: Brown, Gray
1 ABSENT: Evans

Proposal No. 116, 2008 was retitled COUNCIL RESOLUTION NO. 58, 2008, and reads as follows:

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CITY-COUNTY COUNCIL RESOLUTION NO. 58, 2008

A COUNCIL RESOLUTION appointing Richard Petrecca to the County Property Tax Assessment Board of Appeals.

BE IT RESOLVED BY THE CITY-COUNTY COUNCIL OF THE
CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA:

SECTION 1. As a member of the County Property Tax Assessment Board of Appeals, the Council appoints:

Richard Petrecca

SECTION 2. The appointment made by this resolution is for a term ending December 31, 2008. The person appointed by this resolution shall serve until his successor is appointed and qualifies.

PROPOSAL NO. 124, 2008. Councillor Plowman reported that the Metropolitan Development Committee heard Proposal No. 124, 2008 on March 31, 2008. The proposal, sponsored by Councillors Sanders and Brown, reappoints Aaron Haith to the Indianapolis Housing Agency Board. By a 6-0 vote, the Committee reported the proposal to the Council with the recommendation that it do pass.

Councillor Cain moved, seconded by Councillor Day, to return Proposal No. 124, 2008 to committee for further consideration.

Councillor Sanders asked why this motion is being made. Councillor Cain stated that in light of some pending allegations, she feels it should be returned to committee for further discussion instead of taking up time on the Council floor. Councillor Sanders asked if Councillor Cain serves on this committee. Councillor Cain said that she does. Councillor Sanders said that no mention was made of pending allegations in the committee hearing, and unless there is some new information, Councillor Cain is referring to information that has been public for over a year and discussed at length..

Councillor Mansfield stated that Mr. Haith's appointment to this board has nothing to do with his professional qualifications, and he simply serves as a layperson on this committee. She added that she sees no merit in sending the proposal back to committee.

Councillor Oliver asked if Councillor Cain has new information that has just been made available to the public since the time this committee met. If so, he asked Councillor Cain to disclose such information now, so that the rest of the Council can be privy to it and deal with the matter this evening. Councillor Sanders said that this is information that has been out there for six months, and nothing new has come up since the committee hearing.

Councillor Brown asked Chair Plowman if he is comfortable with returning the proposal to committee, since it passed out of committee already with a unanimous vote of 6-0. Councillor Plowman said that he would be willing to hear the proposal again in committee to see if there are any results from the board with which the complaint has been filed. Councillor Brown asked if this complaint has anything to do with the Housing Agency. Councillor Plowman said that he has not seen the complaint.

Councillor Gray asked if the director of the Housing Agency attended the committee hearing in support of this proposal. Councillor Plowman said that he does not recall if the director was in attendance. Councillor Gray asked if Chair Plowman has heard anything negative regarding Mr.

Haith's service on this board. Councillor Plowman said that he has not personally heard any negative comments regarding Mr. Haith's service in this area.

Councillor Nytes said that sometimes Council members act in committee meetings without certain information other members of their caucus might have. She stated, however, that issues such as these need to be discussed prior to committee hearings, so that adequate discussion can ensue. She said that if there is no new information, and this is simply based on the discovery of old information, she feels that the horse has already been out of the barn and the Council should move forward.

Councillor Sanders stated that she received a letter from Bud Myers, director of the Housing Agency, that indicated the service Mr. Haith brings to the board has been extremely good service and relevant to the issues the agency deals with. She said that this letter asked her to consider Mr. Haith's reappointment and is actually the basis for this proposal being introduced. She said that Mr. Haith's service is not in question.

Proposal No. 124, 2008 was returned to committee on the following roll vote; viz:

16 YEAS: Cain, Cardwell, Cockrum, Coleman, Day, Hunter, Lutz, Malone, McHenry, McQuillen, Pfisterer, Plowman, Scales, Smith, Speedy, Vaughn
12 NAYS: Bateman, Brown, Gray, Mahern (B), Mahern (D), Mansfield, Minton-McNeill, Moriarty Adams, Nytes, Oliver, Pryor, Sanders
1 ABSENT: Evans

Councillor Vaughn reported that the Public Safety and Criminal Justice Committee heard Proposal Nos. 126-128, 2008 on March 26, 2008. He asked for consent to vote on these proposals together. Councillor Sanders asked to vote on Proposal No. 126, 2008 separately. Consent was given to vote on Proposal Nos. 127 and 128, 2008 together.

PROPOSAL NO. 126, 2008. The proposal, sponsored by Councillor Vaughn, appoints Margaret Payne to the Marion County Community Corrections Advisory Board. By a 7-0 vote, the Committee reported the proposal to the Council with the recommendation that it do pass. Councillor Vaughn moved, seconded by Councillor Lutz, for adoption. Proposal No. 126, 2008 was adopted on the following roll call vote; viz:

26 YEAS: Bateman, Brown, Cain, Cardwell, Cockrum, Coleman, Day, Hunter, Lutz, Mahern (B), Mahern (D), Malone, Mansfield, McHenry, McQuillen, Minton-McNeill, Moriarty Adams, Nytes, Oliver, Pfisterer, Plowman, Pryor, Scales, Smith, Speedy, Vaughn
2 NAYS: Gray, Sanders
1 ABSENT: Evans

Proposal No. 126, 2008 was retitled COUNCIL RESOLUTION NO. 59, 2008, and reads as follows:

CITY-COUNTY COUNCIL RESOLUTION NO. 59, 2008

A COUNCIL RESOLUTION appointing Margaret Payne to the Marion County Community Corrections Advisory Board.

BE IT RESOLVED BY THE CITY-COUNTY COUNCIL OF THE
CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA:

SECTION 1. As a member of the Marion County Community Corrections Advisory Board, the Council appoints:

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Margaret Payne

SECTION 2. The appointment made by this resolution is for a term ending December 31, 2011. The person appointed by this resolution shall serve at the pleasure of the Council and for sixty (60) days after the expiration of such term or until such earlier date as successor is appointed and qualifies.

PROPOSAL NO. 127, 2008. The proposal, sponsored by Councillor Vaughn, appoints Avachino Reeves to the Crime Prevention Advisory Board. PROPOSAL NO. 128, 2008. The proposal, sponsored by Councillors Vaughn and Brown, confirms the Marion County Public Defender Board's nomination of Robert J. Hill as Marion County Chief Public Defender. By 7-0 votes, the Committee reported the proposals to the Council with the recommendation that they do pass. Councillor Vaughn moved, seconded by Councillor Lutz, for adoption. Proposal Nos. 127 and 128, 2008 were adopted on the following roll call vote; viz:

27 YEAS: Bateman, Brown, Cain, Cardwell, Cockrum, Coleman, Day, Hunter, Lutz, Mahern (B), Mahern (D), Malone, Mansfield, McHenry, McQuillen, Minton-McNeill, Moriarty Adams, Nytes, Oliver, Pfisterer, Plowman, Pryor, Sanders, Scales, Smith, Speedy, Vaughn
1 NAY: Gray
1 ABSENT: Evans

Proposal No. 127, 2008 was retitled COUNCIL RESOLUTION NO. 60, 2008, and reads as follows:

CITY-COUNTY COUNCIL RESOLUTION NO. 60, 2008

A COUNCIL RESOLUTION appointing Avachino Reeves to the Crime Prevention Advisory Board.

BE IT RESOLVED BY THE CITY-COUNTY COUNCIL OF THE
CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA:

SECTION 1. As a member of the Crime Prevention Advisory Board, the Council appoints:

Avachino Reeves

SECTION 2. The appointment made by this resolution is for a term ending December 31, 2008. The person appointed by this resolution shall serve at the pleasure of the Council and for sixty (60) days after the expiration of such term or until such earlier date as successor is appointed and qualifies.

Proposal No. 128, 2008 was retitled COUNCIL RESOLUTION NO. 61, 2008, and reads as follows:

CITY-COUNTY COUNCIL RESOLUTION NO. 61, 2008

A COUNCIL RESOLUTION confirming the Marion County Public Defender's Board's nomination of Robert J. Hill as Marion County Chief Public Defender.

WHEREAS, pursuant to Sec. 286-4 of the "Revised Code of the Consolidated City and County," a Marion County Public Defender Board nomination of the Marion County Chief Public Defender is subject to confirmation by the City-County Council and subject to reconfirmation annually thereafter; and

WHEREAS, the Marion County Public Defender Board has submitted to this Council the name of Robert J. Hill to serve as Marion County Chief Public Defender; now, therefore:

BE IT RESOLVED BY THE CITY-COUNTY COUNCIL OF THE
CITY OF INDIANAPOLIS AND MARION COUNTY, INDIANA:

SECTION 1. Robert J. Hill is confirmed by the City-County Council to serve as Marion County Chief Public Defender.

SECTION 2. This resolution shall be in full force and effect upon adoption and compliance with Ind. Code § 36-3-4-14.

Councillor Lutz reported that the Rules and Public Policy Committee heard Proposal Nos. 139 and 140, 2008 on April 1, 2008. He asked for consent to vote on these proposals together. Consent was given.

PROPOSAL NO. 139, 2008. The proposal, sponsored by Councillor Sanders, appoints William Oliver to the Early Intervention Planning Council. PROPOSAL NO. 140, 2008. The proposal, sponsored by Councillor Pfisterer, appoints James Ochs to the Common Construction Wage Committee for Speedway. By unanimous votes, the Committee reported the proposals to the Council with the recommendation that they do pass. Councillor Lutz moved, seconded by Councillor Cain, for adoption. Proposal Nos. 139 and 140, 2008 were adopted on the following roll call vote; viz:

28 YEAS: Bateman, Brown, Cain, Cardwell, Cockrum, Coleman, Day, Gray, Hunter, Lutz, Mahern (B), Mahern (D), Malone, Mansfield, McHenry, McQuillen, Minton-McNeill, Moriarty Adams, Nytes, Oliver, Pfisterer, Plowman, Pryor, Sanders, Scales, Smith, Speedy, Vaughn

0 NAYS:

1 ABSENT: Evans

Proposal No. 139, 2008 was retitled COUNCIL RESOLUTION NO. 62, 2008, and reads as follows:

CITY-COUNTY COUNCIL RESOLUTION NO. 62, 2008

A COUNCIL RESOLUTION appointing William Oliver to the Early Intervention Planning Council.

BE IT RESOLVED BY THE CITY-COUNTY COUNCIL OF THE
CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA:

SECTION 1. As a member of the Early Intervention Planning Council, the Council appoints:

William Oliver

SECTION 2. The appointment made by this resolution is for a term ending December 31, 2008. The person appointed by this resolution shall serve at the pleasure of the Council and for sixty (60) days after the expiration of such term or until such earlier date as successor is appointed and qualifies.

Proposal No. 140, 2008 was retitled COUNCIL RESOLUTION NO. 63, 2008, and reads as follows:

CITY-COUNTY COUNCIL RESOLUTION NO. 63, 2008

A COUNCIL RESOLUTION appointing James Ochs to the Common Construction Wage Committee for Speedway.

BE IT RESOLVED BY THE CITY-COUNTY COUNCIL OF THE
CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA:

SECTION 1. As a member of the Common Construction Wage Committee for Speedway, the Council appoints:

James Ochs

SECTION 2. The appointment made by this resolution is for a term ending December 31, 2011. The person appointed by this resolution shall serve at the pleasure of the Council and for sixty (60) days after the expiration of such term or until such earlier date as successor is appointed and qualifies.

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PROPOSAL NO. 152, 2008. Councillor McQuillen reported that the Municipal Corporations Committee heard Proposal No. 152, 2008 on April 7, 2008. The proposal, sponsored by Councillor McQuillen, appoints Jeffery Coats to the Indianapolis Public Transportation Corporation Board. By a vote of 7-0, the Committee reported the proposal to the Council with the recommendation that it do pass. Councillor McQuillen moved, seconded by Councillor Cain, for adoption. Proposal No. 152, 2008 was adopted on the following roll call vote; viz:

27 YEAS: Bateman, Brown, Cain, Cardwell, Cockrum, Coleman, Day, Hunter, Lutz, Mahern (B), Mahern (D), Malone, Mansfield, McHenry, McQuillen, Minton-McNeill, Moriarty Adams, Nytes, Oliver, Pfisterer, Plowman, Pryor, Sanders, Scales, Smith, Speedy, Vaughn
1 NAY: Gray
1 ABSENT: Evans

Proposal No. 152, 2008 was retitled COUNCIL RESOLUTION NO. 64, 2008, and reads as follows:

CITY-COUNTY COUNCIL RESOLUTION NO. 64, 2008

A COUNCIL RESOLUTION appointing Jeffery Coats to the Indianapolis Public Transportation Corporation Board.

BE IT RESOLVED BY THE CITY-COUNTY COUNCIL OF THE
CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA:

SECTION 1. As a member of the Indianapolis Public Transportation Corporation Board, the Council appoints:

Jeffery Coats

SECTION 2. The appointment made by this resolution is for a term ending December 31, 2011. The person appointed by this resolution shall serve at the pleasure of the Council and for sixty (60) days after the expiration of such term or until such earlier date as successor is appointed and qualifies.

PROPOSAL NO. 154, 2008. Councillor Vaughn reported that the Public Safety and Criminal Justice Committee heard Proposal No. 154, 2008 on March 26, 2008. The proposal, sponsored by Councillor Vaughn, appoints Jason Barclay to the Law Enforcement Advisory Council. By a 6-0 vote, the Committee reported the proposal to the Council with the recommendation that it do pass. Councillor Vaughn moved, seconded by Councillor Cain, for adoption. Proposal No. 154, 2008 was adopted on the following roll call vote; viz:

25 YEAS: Brown, Cain, Cardwell, Cockrum, Coleman, Day, Hunter, Lutz, Mahern (B), Mahern (D), Malone, Mansfield, McHenry, McQuillen, Minton-McNeill, Moriarty Adams, Nytes, Oliver, Pfisterer, Plowman, Pryor, Scales, Smith, Speedy, Vaughn
3 NAYS: Bateman, Gray, Sanders
1 ABSENT: Evans

Proposal No. 154, 2008 was retitled COUNCIL RESOLUTION NO. 65, 2008, and reads as follows:

CITY-COUNTY COUNCIL RESOLUTION NO. 65, 2008

A COUNCIL RESOLUTION appointing Jason R. Barclay to the Law Enforcement Advisory Council.

BE IT RESOLVED BY THE CITY-COUNTY COUNCIL OF THE
CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA:

SECTION 1. As a member of the Law Enforcement Advisory Council, the Council appoints:

Jason R. Barclay

SECTION 2. The appointment made by this resolution is for a term ending December 31, 2008. The person appointed by this resolution shall serve at the pleasure of the Council and for sixty (60) days after the expiration of such term or until such earlier date as successor is appointed and qualifies.

Councillor Lutz reported that the Rules and Public Policy Committee heard Proposal Nos. 155 and 158, 2008 on April 1, 2008. He asked for consent to vote on these proposals together. Councillor Sanders asked that Proposal No. 158, 2008 be voted on separately.

PROPOSAL NO. 155, 2008. The proposal, sponsored by Councillor Lutz, appoints Jerry Cosby to the Cable Franchise Board. By a 6-0 vote, the Committee reported the proposal to the Council with the recommendation that it do pass. Councillor Lutz moved, seconded by Councillor Coleman, for adoption. Proposal No. 155, 2008 was adopted on the following roll call vote; viz:

28 YEAS: Bateman, Brown, Cain, Cardwell, Cockrum, Coleman, Day, Gray, Hunter, Lutz, Mahern (B), Mahern (D), Malone, Mansfield, McHenry, McQuillen, Minton-McNeill, Moriarty Adams, Nytes, Oliver, Pfisterer, Plowman, Pryor, Sanders, Scales, Smith, Speedy, Vaughn

0 NAYS:

1 ABSENT: Evans

Proposal No. 155, 2008 was retitled COUNCIL RESOLUTION NO. 66, 2008, and reads as follows:

CITY-COUNTY COUNCIL RESOLUTION NO. 66, 2008

A COUNCIL RESOLUTION appointing Jerry Cosby to the Cable Franchise Board.

BE IT RESOLVED BY THE CITY-COUNTY COUNCIL OF THE
CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA:

SECTION 1. As a member of the Cable Franchise Board, the Council appoints:

Jerry Cosby

SECTION 2. The appointment made by this resolution is for a term ending December 31, 2009. The person appointed by this resolution shall serve at the pleasure of the Council and for sixty (60) days after the expiration of such term or until such earlier date as successor is appointed and qualifies.

PROPOSAL NO. 158, 2008. The proposal, sponsored by Councillor Scales, appoints H. Emerson Young to the Common Construction Wage Committee for Washington Township. By a 6-0 vote, the Committee reported the proposal to the Council with the recommendation that it do pass. Councillor Lutz moved, seconded by Councillor Coleman, for adoption. Proposal No. 158, 2008 was adopted on the following roll call vote; viz:

25 YEAS: Brown, Cain, Cardwell, Cockrum, Coleman, Day, Gray, Hunter, Lutz, Mahern (B), Mahern (D), Malone, Mansfield, McHenry, McQuillen, Minton-McNeill, Moriarty Adams, Nytes, Pfisterer, Plowman, Pryor, Scales, Smith, Speedy, Vaughn

3 NAYS: Bateman, Oliver, Sanders

1 ABSENT: Evans

Proposal No. 158, 2008 was retitled COUNCIL RESOLUTION NO. 67, 2008, and reads as follows:

April 14, 2008

CITY-COUNTY COUNCIL RESOLUTION NO. 67, 2008

A COUNCIL RESOLUTION appointing H. Emerson Young to the Common Construction Wage Committee for Washington Township.

BE IT RESOLVED BY THE CITY-COUNTY COUNCIL OF THE
CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA:

SECTION 1. As a member of the Common Construction Wage Committee for Washington Township, the Council appoints:

H. Emerson Young

SECTION 2. The appointment made by this resolution is for a term ending December 31, 2011. The person appointed by this resolution shall serve at the pleasure of the Council and for sixty (60) days after the expiration of such term or until such earlier date as successor is appointed and qualifies.

PROPOSAL NO. 160, 2008. Councillor Plowman reported that the Metropolitan Development Committee heard Proposal No. 160, 2008 on March 31, 2008. The proposal, sponsored by Councillor Plowman, appoints Jonathan Cahill to the Metropolitan Board of Zoning Appeals, Division III. By a 6-0 vote, the Committee reported the proposal to the Council with the recommendation that it do pass. Councillor Plowman moved, seconded by Councillor Cardwell, for adoption. Proposal No. 160, 2008 was adopted on the following roll call vote; viz:

26 YEAS: Bateman, Brown, Cain, Cardwell, Cockrum, Coleman, Day, Hunter, Lutz, Mahern (B), Mahern (D), Malone, Mansfield, McHenry, McQuillen, Minton-McNeill, Moriarty Adams, Nytes, Oliver, Pfisterer, Plowman, Pryor, Scales, Smith, Speedy, Vaughn
2 NAYS: Gray, Sanders
1 ABSENT: Evans

Proposal No. 160, 2008 was retitled COUNCIL RESOLUTION NO. 68, 2008, and reads as follows:

CITY-COUNTY COUNCIL RESOLUTION NO. 68, 2008

A COUNCIL RESOLUTION appointing Jonathan Cahill to the Metropolitan Board of Zoning Appeals, Division III.

BE IT RESOLVED BY THE CITY-COUNTY COUNCIL OF THE
CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA:

SECTION 1. As a member of the Metropolitan Board of Zoning Appeals, Division III, the Council appoints:

Jonathan Cahill

SECTION 2. The appointment made by this resolution is for a term ending December 31, 2008. The person appointed by this resolution shall serve at the pleasure of the Council and for sixty (60) days after the expiration of such term or until such earlier date as successor is appointed and qualifies.

PROPOSAL NO. 161, 2008. The proposal, sponsored by Councillor Vaughn, appoints Christina F. Trexler to the Marion County Community Corrections Advisory Board. By a 6-0 vote, the Committee reported the proposal to the Council with the recommendation that it do pass. Councillor Vaughn moved, seconded by Councillor Cain, for adoption.

Councillor Sanders asked if Ms. Trexler is a lay appointment. Councillor Vaughn answered in the affirmative. Councillor Sanders asked who the other three lay appointments to this board are. Councillor Vaughn stated that he does not have that information with him. Councillor Sanders said that she is concerned because she believes one of those lay appointees needs to be a minority.

Councillor Vaughn said that she is a woman, but is not African-American. Councillor Sanders asked if Councillor Vaughn could go back and confirm the make-up of that board as it is reconstituted to make sure all appointee requirements are met. Councillor Vaughn said that they have been doing that, and this will be the last position on the board. He added that they have not filled any appointments that do not meet the requirement criteria. Councillor Sanders asked if Ms. Trexler has any expertise to serve on this board. Councillor Vaughn said that there are three different types of appointments to this board, those that require expertise, those that are appointed by virtue of office, and lay appointments. This appointee fills one of the lay appointment positions, and therefore, no expertise or experience is required.

Councillor Moriarty Adams stated that in committee, there was some question as to whether the appointee lives in Marion County, since her information sheet indicated a post office box. She asked if that has been confirmed. Councillor Vaughn said that the appointee testified that she lives in Marion County and did give the Clerk her actual address.

Councillor Oliver asked if an address is required for a background check. President Cockrum said that he believes it is, and all appointees passed the Committee on Committees this evening, except for one, which they have not yet received. This particular appointment is not the one they are still waiting on for confirmation.

Councillor Gray moved to return Proposal No. 161, 2008 to committee.

Councillor Vaughn asked the Clerk of the Council to confirm that the appointee lives in Marion County. Melissa Thompson, Clerk of the Council, stated that Ms. Trexler came to her office following the committee meeting, and she did provide her address, which is in Marion County.

Councillor Moriarty Adams said that she looked up Ms. Trexler's name and came up with an address at 2108 North Meridian, Apartment 30. Ms. Thompson stated that Ms. Trexler's board application form had a post office box, but the address she received from Ms. Trexler was located around Delaware and 22nd Street. Councillor Moriarty Adams stated that maybe the address she has is a work address.

Councillor Vaughn stated that regardless of which of those addresses is her home or office, they are both in Marion County, and the appointee herself testified that she did indeed live in Marion County. He said that if these appointment positions are not filled, the board cannot act on items before them.

Councillor Pryor said that it is not clear exactly where she lives or where she works and she would therefore second the motion to return the proposal to committee for clarification.

Councillor Vaughn stated that Ms. Trexler testified that she lives in Marion County and provided the Clerk with her address, which is in Marion County. Councillor Gray asked where she lives in Marion County. Councillor Pryor added that residence in Marion County is a requirement on this board. Councillor Vaughn said that he can say it 30 more times, but the answer is still the same. The appointee testified she lives in Marion County and that is the only requirement for this position.

Councillor Oliver asked if the background check revealed Ms. Trexler's true address. Ms. Thompson stated that the information she provides for the background check is only a social security number and a date of birth. President Cockrum stated that the background check is simply to determine if there is a criminal record, and not to insure all the data is correct.

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Councillor D. Mahern stated that the background checks run by Human Resources are not state or country-wide, but are only in Marion County, and therefore, she must live in Marion County.

Councillor McQuillen moved, seconded by Councillor Pfisterer, to call the previous question and end debate. The motion carried on the following roll call vote; viz:

24 YEAS: Bateman, Brown, Cain, Cardwell, Cockrum, Coleman, Day, Gray, Hunter, Lutz, Mahern (B), Mahern (D), Malone, Mansfield, McHenry, McQuillen, Minton-McNeill, Moriarty Adams, Pfisterer, Plowman, Pryor, Scales, Speedy, Vaughn
3 NAYS: Nytes, Oliver, Sanders
1 NOT VOTING: Smith
1 ABSENT: Evans

The motion to return Proposal No. 161, 2008 to committee failed on the following roll call vote; viz:

13 YEAS: Brown, Cain, Gray, Mahern (B), Mahern (D), Mansfield, Minton-McNeill, Moriarty Adams, Nytes, Oliver, Pryor, Sanders, Vaughn, Bateman
14 NAYS: , Cardwell, Cockrum, Coleman, Day, Hunter, Lutz, Malone, McHenry, McQuillen, Pfisterer, Plowman, Scales, Speedy
1 NOT VOTING: Smith
1 ABSENT: Evans

Proposal No. 161, 2008 was adopted on the following roll call vote; viz:

15 YEAS: Cain, Cardwell, Cockrum, Coleman, Day, Hunter, Lutz, Malone, McHenry, McQuillen, Pfisterer, Plowman, Scales, Speedy, Vaughn
13 NAYS: Bateman, Brown, Gray, Mahern (B), Mahern (D), Mansfield, Minton-McNeill, Moriarty Adams, Nytes, Oliver, Pryor, Sanders, Smith
1 ABSENT: Evans

Proposal No. 161, 2008 was retitled COUNCIL RESOLUTION NO. 69, 2008, and reads as follows:

CITY-COUNTY COUNCIL RESOLUTION NO. 69, 2008

A COUNCIL RESOLUTION appointing Christina F. Trexler to the Marion County Community Corrections Advisory Board.

BE IT RESOLVED BY THE CITY-COUNTY COUNCIL OF THE
CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA:

SECTION 1. As a member of the Marion County Community Corrections Advisory Board, the Council appoints:

Christina F. Trexler

SECTION 2. The appointment made by this resolution is for a term ending December 31, 2011. The person appointed by this resolution shall serve at the pleasure of the Council and for sixty (60) days after the expiration of such term or until such earlier date as successor is appointed and qualifies.

INTRODUCTION OF PROPOSALS

PROPOSAL NO. 162, 2008. Introduced by Councillor Smith. The Clerk read the proposal entitled: "A Proposal for a Council Resolution which approves the Mayor's appointment of Darla Y. Williams as hearing officer to preside over the administrative adjudication of environmental

violations on behalf of the City"; and the President referred it to the Administration and Finance Committee.

PROPOSAL NO. 163, 2008. Introduced by Councillors Pryor, Mahern, Brown, Moriarty Adams and Hunter. The Clerk read the proposal entitled: "A Proposal for a General Ordinance which amends Sec. 202-203(a) of the Code to require disclosure of, accounting for and an annual report to the City-County Council respecting any non-governmental entity that receives funds by direct appropriation or from the sale, lease or other use of property belonging to the Consolidated City and County"; and the President referred it to the Administration and Finance Committee.

PROPOSAL NO. 164, 2008. Introduced by Councillor Nytes. The Clerk read the proposal entitled: "A Proposal for a Fiscal Ordinance which appropriates \$2,000,000 in the 2008 Budget of the Department of Metropolitan Development (Consolidated County Fund) to fund the request for proposals process in 2008 to award funding for affordable housing opportunities for low-income families, funded by Housing Trust Fund balance"; and the President referred it to the Metropolitan Development Committee.

PROPOSAL NO. 165, 2008. Introduced by Councillor Nytes. The Clerk read the proposal entitled: "A Proposal for a Fiscal Ordinance which appropriates \$200,000 in the 2008 Budget of the Department of Metropolitan Development (Federal Non-Lapsing Grants) to fund the remediation of hazardous substance contamination in the soil and ground water at the former Flowers Cleaner site in the Fall Creek Place neighborhood, financed by an Environmental Protection Agency Brownfield Cleanup Grant"; and the President referred it to the Metropolitan Development Committee.

PROPOSAL NO. 166, 2008. Introduced by Councillor Vaughn. The Clerk read the proposal entitled: "A Proposal for a Council Resolution which appoints Kevin Quinn to the Law Enforcement Advisory Council"; and the President referred it to the Public Safety and Criminal Justice Committee.

PROPOSAL NO. 167, 2008. Introduced by Councillor Vaughn. The Clerk read the proposal entitled: "A Proposal for a Council Resolution which appoints Cynthia Kirchhofer to the Citizens Police Complaint Board"; and the President referred it to the Public Safety and Criminal Justice Committee.

PROPOSAL NO. 168, 2008. Introduced by Councillor Vaughn. The Clerk read the proposal entitled: "A Proposal for a Council Resolution which appoints Natalie Wolfe to the Marion County Community Corrections Advisory Board"; and the President referred it to the Public Safety and Criminal Justice Committee.

PROPOSAL NO. 169, 2008. Introduced by Councillor Vaughn. The Clerk read the proposal entitled: "A Proposal for a Council Resolution which appoints Dennis Bender to the Marion County Community Corrections Advisory Board"; and the President referred it to the Public Safety and Criminal Justice Committee.

PROPOSAL NO. 170, 2008. Introduced by Councillors Vaughn and Speedy. The Clerk read the proposal entitled: "A Proposal for a General Ordinance which amends the Revised Code regarding the requirements for a merit promotion, and for the appointment of chief, within the Indianapolis Fire Department"; and the President referred it to the Public Safety and Criminal Justice Committee.

PROPOSAL NO. 171, 2008. Introduced by Councillors Vaughn and Moriarty Adams. The Clerk read the proposal entitled: "A Proposal for a Fiscal Ordinance which appropriates \$150,000 in the 2008 Budget of the Marion County Justice Agency (State and Federal Grants Fund) to provide funding to the Ten Point Coalition for its Savings Kids of Incarcerated Parents (SKIP) and Youth Empowerment (YEP) programs, financed by a Juvenile Accountability Block Grant"; and the President referred it to the Public Safety and Criminal Justice Committee.

PROPOSAL NO. 172, 2008. Introduced by Councillors Vaughn, Moriarty Adams and Pfisterer. The Clerk read the proposal entitled: "A Proposal for a Fiscal Ordinance which transfers and appropriates \$273,198 in the 2008 Budget of the Marion Superior Court (County General, Drug Treatment Diversion Program, and State and Federal Grants Funds) to fund the salaries of two commissioners assigned to Circuit Court, a portion of the local match required for Drug Treatment Court grant, and salary for a full-time Probation Officer, financed by transfers, fund balance and a grant from the Indiana Juvenile Justice Task Force"; and the President referred it to the Public Safety and Criminal Justice Committee.

PROPOSAL NO. 173, 2008. Introduced by Councillor Hunter. The Clerk read the proposal entitled: "A Proposal for a Council Resolution which appoints Kenneth Hughes to the Marion County Stormwater Management Technical Advisory Committee"; and the President referred it to the Public Works Committee.

PROPOSAL NO. 174, 2008. Introduced by Councillor Mahern. The Clerk read the proposal entitled: "A Proposal for a General Ordinance which authorizes a bus zone on the west side of Pennsylvania Street from a point 119 feet south of Washington Street to Washington Street (District 19)"; and the President referred it to the Public Works Committee.

PROPOSAL NO. 175, 2008. Introduced by Councillor Pryor. The Clerk read the proposal entitled: "A Proposal for a General Ordinance which authorizes intersection controls in the Lakeside Manor West Subdivision, Section One (District 7)"; and the President referred it to the Public Works Committee.

PROPOSAL NO. 176, 2008. Introduced by Councillor Speedy. The Clerk read the proposal entitled: "A Proposal for a General Ordinance which authorizes a multi-way stop at the intersection of Gilbert Avenue and Walcott Street (District 24)"; and the President referred it to the Public Works Committee.

PROPOSAL NO. 177, 2008. Introduced by Councillor Mahern. The Clerk read the proposal entitled: "A Proposal for a General Ordinance which deletes the parking restrictions on the west side of Capitol Avenue and adds two-hour meters (District 19)"; and the President referred it to the Public Works Committee.

PROPOSAL NO. 178, 2008. Introduced by Councillor Speedy. The Clerk read the proposal entitled: "A Proposal for a General Ordinance which authorizes intersection controls in the Whitaker Valley subdivision (District 24)"; and the President referred it to the Public Works Committee.

PROPOSAL NO. 179, 2008. Introduced by Councillor Brown. The Clerk read the proposal entitled: "A Proposal for a General Ordinance which authorizes intersection controls in the Lawrence Lakes subdivision, Section 4 (District 18)"; and the President referred it to the Public Works Committee.

PROPOSAL NO. 180, 2008. Introduced by Councillor Brown. The Clerk read the proposal entitled: "A Proposal for a General Ordinance which authorizes intersection controls in the Autumn Creek Subdivision, Sections One and Two (District 18)"; and the President referred it to the Public Works Committee.

PROPOSAL NO. 181, 2008. Introduced by Councillor Oliver. The Clerk read the proposal entitled: "A Proposal for a General Ordinance which authorizes intersection controls in Producers Industrial Park (District 10)"; and the President referred it to the Public Works Committee.

PROPOSAL NO. 182, 2008. Introduced by Councillor Day. The Clerk read the proposal entitled: "A Proposal for a General Ordinance which authorizes intersection controls at Rural Street and Sumner Avenue (District 20)"; and the President referred it to the Public Works Committee.

PROPOSAL NO. 183, 2008. Introduced by Councillor Day. The Clerk read the proposal entitled: "A Proposal for a General Ordinance which authorizes intersection controls in Brokenburr (District 20)"; and the President referred it to the Public Works Committee.

PROPOSAL NO. 184, 2008. Introduced by Councillor Vaughn. The Clerk read the proposal entitled: "A Proposal for a General Ordinance which amends the Code regarding salary levels of City and County employees required to file statements of economic interests"; and the President referred it to the Rules and Public Policy Committee.

PROPOSAL NO. 185, 2008. Introduced by Councillors Pryor, Mahern, Brown, Moriarty Adams and Hunter. The Clerk read the proposal entitled: "A Proposal for a General Ordinance which amends Sec. 181-101(a) of the Code to further direct the proceeds from the sale or lease of real or personal property by any agency or department of city or county government"; and the President referred it to the Rules and Public Policy Committee.

PROPOSAL NO. 186, 2008. Introduced by Councillors Lutz, Cardwell and Sanders. The Clerk read the proposal entitled: "A Proposal for a General Ordinance which amends Chapter 851 of the Code to change the name of the cable communications agency and the cable franchise board "; and the President referred it to the Rules and Public Policy Committee.

PROPOSAL NO. 187, 2008. Introduced by Councillor Brown. The Clerk read the proposal entitled: "A Proposal for a Special Resolution which proposes an ordinance of the Marion County Income Tax Council to impose a County Option Income Tax rate reduction of the tax rate imposed pursuant to IC 6-3.5-6-31, effective October 1, 2008, and to cast the vote of the City-County Council on said ordinance"; and the President referred it to the Administration and Finance Committee.

PROPOSAL NO. 188, 2008. Introduced by Councillor Vaughn. The Clerk read the proposal entitled: "A Proposal for a Council Resolution which appoints William Carr to the Marion County Community Corrections Advisory Board"; and the President referred it to the Public Safety and Criminal Justice Committee.

PROPOSAL NO. 198, 2008. Introduced by Councillor Vaughn. The Clerk read the proposal entitled: "A Proposal for a Council Resolution which appoints Robert J. Hill to the Marion County Community Corrections Advisory Board"; and the President referred it to the Public Safety and Criminal Justice Committee.

PROPOSAL NO. 199, 2008. Introduced by Councillor Vaughn. The Clerk read the proposal entitled: "A Proposal for a Council Resolution which appoints Aaron Freeman to the Law Enforcement Advisory Council"; and the President referred it to the Public Safety and Criminal Justice Committee.

PROPOSAL NO. 201, 2008. Introduced by Councillors Vaughn and Speedy. The Clerk read the proposal entitled: "A Proposal for a General Ordinance which amends the Revised Code regarding the qualifications of chief of the Indianapolis Fire Department "; and the President referred it to the Public Safety and Criminal Justice Committee.

PROPOSAL NO. 202, 2008. Introduced by Councillor Vaughn. The Clerk read the proposal entitled: "A Proposal for a Council Resolution which appoints Robert Dale Buwalda, II to the Marion County Community Corrections Advisory Board"; and the President referred it to the Public Safety and Criminal Justice Committee.

SPECIAL ORDERS - PRIORITY BUSINESS

PROPOSAL NOS. 191-192, 2008, and PROPOSAL NOS. 193-197, 2008. Introduced by Councillor Plowman. Proposal Nos. 191-192, 2008 and Proposal Nos. 193-197, 2008 are proposals for Rezoning Ordinances certified by the Metropolitan Development Commission on April 4, 2008. The President called for any motions for public hearings on any of those zoning maps changes. There being no motions for public hearings, the proposed ordinances, pursuant to IC 36-7-4-608, took effect as if adopted by the City-County Council, were retitled for identification as REZONING ORDINANCE NOS. 32-38, 2008, the original copies of which ordinances are on file with the Metropolitan Development Commission, which were certified as follows:

REZONING ORDINANCE NO. 32, 2008.

2007-ZON-118

6900 EAST 21ST STREET (*Approximate Address*), INDIANAPOLIS
WARREN TOWNSHIP, COUNCILMANIC DISTRICT # 17

CHAN PATEL, by Eric A. Harvey, requests rezoning of 4.209 acres, from the D-4 (FF) (FW) District, to the C-4 (FF) (FW) classification to provide for community-regional commercial uses.

REZONING ORDINANCE NO. 33, 2008.

2007-ZON-850

6004 SOUTH EMERSON AVENUE (*Approximate Address*), INDIANAPOLIS
PERRY TOWNSHIP, COUNCILMANIC DISTRICT # 24

CEDARWOOD DEVELOPMENT, INC., by Thomas Michael Quinn, requests rezoning of 2.9 acres, from the D-A District, to the C-3 classification to provide for neighborhood commercial uses.

REZONING ORDINANCE NO. 34, 2008.

2007-ZON-123

2102, 2106, 2110 AND 2116 WEST 10TH STREET, 1002, 1006, 1010, 1014, 1018, 1022, 1026, 1028, 1030, 1048 AND 1052 NORTH BELMONT AVENUE, AND 1003, 1033, 1041, 1043, 1045 AND 1053 NORTH SHEFFIELD AVENUE (*Approximate Address*), INDIANAPOLIS
WAYNE TOWNSHIP, COUNCILMANIC DISTRICT # 15

MT. VERNON COMMUNITY MISSIONARY BAPTIST CHURCH, by Henry Reed, requests rezoning of 2.4 acres, from the D-5, D-8 and C-3 (W-1) (W-5) Districts, to the SU-1 (W-1) (W-5) classification to provide for religious uses.

REZONING ORDINANCE NO. 35, 2008.

2007-ZON-128

6465, 6501 AND 6525 SHANGHAI ROAD (*Approximate Address*), INDIANAPOLIS
PIKE TOWNSHIP, COUNCILMANIC DISTRICT # 1

BROWNING REAL ESTATE PROPERTIES, LLC, by Eugene Valanzano, requests rezoning of 15.063 acres, from the D-A and D-3 Districts, to the C-S classification to provide for a mix of C-1 and light-industrial uses.

REZONING ORDINANCE NO. 36, 2008.

2007-ZON-137

4125 AND 4131 NORTH KEYSTONE AVENUE (*Approximate Address*), INDIANAPOLIS
WASHINGTON TOWNSHIP, COUNCILMANIC DISTRICT # 4

MILLER-EADS CO, INC. by Ray Good, requests rezoning of 3.16 acres, from the C-S (W-1), C-5 (W-1) and D-5 (W-1) Districts, to the C-S (W-1) classification to legally establish and provide for the expansion of an electrical contractor business with a 20,000-square foot outdoor storage area and to provide for other contractor uses and C-4 uses.

REZONING ORDINANCE NO. 37, 2008.

2008-ZON-012

1223, 1229, 1243, 1251 AND 1257 EAST THOMPSON ROAD (*Approximate Address*),
INDIANAPOLIS

PERRY TOWNSHIP, COUNCILMANIC DISTRICT # 24

MAC J. MARTIN requests rezoning of 1.2 acres, from the D-3 District, to the C-1 classification to provide office-buffer uses.

REZONING ORDINANCE NO. 38, 2008.

2008-ZON-802

3402 AND 3416 NORTH MERIDIAN STREET AND 3401, 3403, 3415 AND 3420 SALEM
STREET (*Approximate Addresses*), INDIANAPOLIS

CENTER TOWNSHIP, COUNCILMANIC DISTRICT # 8

HERMAN AND KITTLE PROPERTIES, INC., by Joseph C. Calderon, requests rezoning of 1.13 acres, from the D-P District, to the D-10 classification to provide for multifamily residential uses.

PROPOSAL NO. 146, 2008. The proposal, sponsored by Councillors Hunter, Pfisterer and Lutz, expresses the House of Representatives' appeal to establish a "Welcome Home, Vietnam Veterans Day" and was passed by the City-County Council on March 24, 2008. Councillor Hunter made the following motion:

Mr. President:

I have been advised that there were technical errors in Proposal No. 146, 2008, and that the Mayor would prefer those errors be corrected before signing the final resolution, therefore:

I move to reconsider Proposal No. 146, 2008, as amended, for action this evening.

Councillor Cain seconded the motion, and the motion carried by a unanimous voice vote.

Councillor Hunter presented copies of the amended version of the proposal and explained the changes in the last two "Whereas" statements to correct a technical error due to timing-related issues. He moved, seconded by Councillor Lutz, for adoption. Proposal No. 146, 2008, as amended, was adopted by a unanimous voice vote.

Proposal No. 146, 2008 was retitled SPECIAL RESOLUTION NO. 7, 2008, and reads as follows:

CITY-COUNTY SPECIAL RESOLUTION NO. 7, 2008

A SPECIAL RESOLUTION expressing the House of Representatives' appeal to establish a "Welcome Home Vietnam Veterans Day."

WHEREAS, the Vietnam War was fought in Vietnam from 1961 to 1975, and involved North Vietnam and the Viet Cong in conflict with the United States Armed Forces and South Vietnam; and

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WHEREAS, the United States became involved in Vietnam because policy-makers in the United States believed that if South Vietnam fell to a Communist government, Communism would spread throughout the rest of Southeast Asia; and

WHEREAS, members of the United States Armed Forces began serving in an advisory role to the South Vietnamese in 1961; and

WHEREAS, as a result of the Gulf of Tonkin incidents on August 2 and 4, 1964, Congress overwhelmingly passed the Gulf of Tonkin Resolution (Public Law 88-408), on August 7, 1964, which effectively handed over war-making powers to former President Lyndon Johnson until such time as 'peace and security' had returned to Vietnam; and

WHEREAS, in 1965, the ground combat units of the United States Armed Forces arrived in Vietnam, and by the end of 1965 there were 80,000 U.S. troops in Vietnam, reaching a peak of approximately 543,000 troops by 1969; and

WHEREAS, on January 27, 1973, the Treaty of Paris was signed, which required the release of all United States prisoners-of-war held in North Vietnam and the withdrawal of all United States Armed Forces from South Vietnam. The withdrawal of combat troops was completed on March 30, 1973; and

WHEREAS, more than 58,000 members of the U.S. Armed Forces lost their lives in Vietnam and more than 300,000 members were wounded. In 1982, the Vietnam Veterans Memorial was dedicated in the District of Columbia to commemorate those members who died or were declared missing-in-action in Vietnam; and

WHEREAS, the Vietnam War was an extremely divisive issue among the people of the United States, and upon returning home, members of the Armed Forces, who served bravely and faithfully during the war, were caught up in the crossfire of public debate about the United States' involvement in the Vietnam War; and

WHEREAS, the City of Indianapolis supports this initiative to honor those veterans who served in the Vietnam War; and

WHEREAS, the Mayor of Indianapolis, on behalf of the City of Indianapolis, will officially welcome home the veterans of the Vietnam War on May 16, 2008; and

WHEREAS, beginning in 2009, establishing March 30 as "Welcome Home Vietnam Veterans Day" would be an appropriate way to honor those members of the United States Armed Forces who served during the Vietnam War; now, therefore:

BE IT RESOLVED BY THE CITY-COUNTY COUNCIL OF THE
CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA:

SECTION 1. The Indianapolis City-County Council recognizes that it is the desire of the House of Representatives to establish a "Welcome Home Vietnam Veterans Day" honoring those members of the U.S. Armed Forces who served in Vietnam.

SECTION 2. The Mayor is invited to join in this resolution by affixing his signature hereto.

SECTION 3. This resolution shall be in full force and effect upon adoption and compliance with IC 36-3-4-14.

SPECIAL ORDERS - PUBLIC HEARING

Councillor Vaughn reported that the Public Safety and Criminal Justice Committee heard Proposal Nos. 129-132, 2008 on March 26, 2008. He asked for consent to vote on these proposals together. Consent was given.

PROPOSAL NO. 129, 2008. The proposal, sponsored by Councillors Moriarty Adams and Brown, appropriates \$38,493 in the 2008 Budget of the Marion County Public Defender Agency (State and Federal Grants Fund) to cover partial salary and benefit costs for the Assistant Juvenile Disposition Coordinator and to pay for psychological evaluations and assessments and

discretionary needs, funded by a U.S. Department of Justice grant administered by the Indiana Criminal Justice Institute. PROPOSAL NO. 130, 2008. The proposal, sponsored by Councillors Moriarty Adams and Brown, appropriates \$63,131 in the 2008 Budget of the Marion County Public Defender Agency (State and Federal Grants Fund) to fund the Juvenile Intra-Family Violence Diversion Program, sentencing consultants for adult court, and a contract with Midtown Mental Health Center for a mental health coordinator, funded by a U.S. Department of Justice grant administered by the Indiana Criminal Justice Institute. PROPOSAL NO. 131, 2008. The proposal, sponsored by Councillors Vaughn and Brown, appropriates \$245,515 in the 2008 Budget of the Marion County Justice Agency (State and Federal Grants and Law Enforcement Funds) to fund the operations of the Metro Drug Task Force through the end of 2008, funded by a grant from the Indiana Criminal Justice Institute and a transfer in the Law Enforcement Fund. PROPOSAL NO. 132, 2008. The proposal, sponsored by Councillors Vaughn, Moriarty Adams and Brown, approves an appropriation of \$60,000 in the 2008 Budget of the Department of Public Safety, Fire Division (Non-Lapsing Federal Grants Fund) to enable Indiana Task Force One to hold two training events for the National Urban Search and Rescue Response System and cover additional fuel costs and purchase additional equipment from the Federal Emergency Management Agency (FEMA) approved cache list, funded by a grant from FEMA) and a transfer. By unanimous votes, the Committee reported the proposals to the Council with the recommendation that they do pass.

Councillor Lutz stated that his son is an attorney who handles Children in Need of Services (CHINS) cases with the Public Defender Agency. He said that he inquired whether any of these appropriations would affect public defender salaries, and was told that they do not. He, however, wanted to disclose the connection to avoid the appearance of a conflict of interest.

President Cockrum called for public testimony at 8:16 p.m. There being no one present to testify, Councillor Vaughn moved, seconded by Councillor Cain, for adoption. Proposal Nos. 129-132, 2008 were adopted on the following roll call vote; viz:

27 YEAS: Bateman, Cain, Cardwell, Cockrum, Coleman, Day, Gray, Hunter, Lutz, Mahern (B), Mahern (D), Malone, Mansfield, McHenry, McQuillen, Minton-McNeill, Moriarty Adams, Nytes, Oliver, Pfisterer, Plowman, Pryor, Sanders, Scales, Smith, Speedy, Vaughn
0 NAYS:
1 NOT VOTING: Brown
1 ABSENT: Evans

Proposal No. 129, 2008 was retitled FISCAL ORDINANCE NO. 12, 2008, and reads as follows:

CITY-COUNTY FISCAL ORDINANCE NO. 12, 2008

A FISCAL ORDINANCE amending the City-County Annual Budget for 2008 (City-County Fiscal Ordinance No. 78, 2007) appropriating Thirty-Eight Thousand Four Hundred Ninety-Three Dollars (\$38,493) in the State and Federal Grants Fund for purposes of the Marion County Public Defender Agency and reducing certain other accounts for that agency, where applicable.

BE IT ORDAINED BY THE CITY-COUNTY COUNCIL OF THE
CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA:

SECTION 1. To provide for expenditures the necessity for which has arisen since the adoption of the annual budget, Section 1.05 (b) of the City-County Annual Budget for 2008 be, and is hereby, amended by the increases and reductions hereinafter stated to cover partial salary and benefit costs for the Assistant Juvenile Disposition Coordinator, and to pay for psychological evaluations and assessments, and discretionary client needs (such as transportation to medical appointments and electronic monitoring connections), all funded by a U.S. Department of Justice grant administered by the Indiana Criminal Justice Institute, and covering the funding period January 1, 2008 through December 31, 2008.

April 14, 2008

SECTION 2. The sum of Thirty-Eight Thousand Four Hundred Ninety-Three Dollars (\$38,493) be, and the same is hereby appropriated for the purposes as shown in Section 3 by reducing the accounts in Section 4, where applicable.

SECTION 3. The following additional appropriation is hereby approved:

<u>PUBLIC DEFENDER AGENCY</u>	<u>STATE AND FEDERAL GRANTS FUND</u>
1. Personal Services	30,591
2. Supplies	0
3. Other Services and Charges	7,902
4. Capital Outlay	0
TOTAL INCREASE	38,493

SECTION 4. The said additional appropriation is funded by new revenues, not previously appropriated, that will be deposited into the following fund:

	<u>STATE AND FEDERAL GRANTS FUND</u>
New revenues supporting the appropriations in Section 3	38,493
	38,493

SECTION 5. Matching funds equal to 50% of the total cost of the programs will come from existing County General Fund appropriations in the budget of the Marion County Public Defender. The position being funded by this grant is an existing FTE authorized in City-County Fiscal Ordinance No. 78, 2007.

SECTION 6. Except to the extent of matching funds approved in the ordinance, the council does not intend to use the revenues from any local tax regardless of source to supplement or extend the appropriation for the agencies or projects authorized by this ordinance. The supervisor of the agency or project, or both, and the controller are directed to notify in writing the city-county council immediately upon receipt of any information that the agency or project is, or may be, reduced or eliminated.

SECTION 7. This ordinance shall be in full force and effect upon adoption and compliance with IC 36-3-4-14.

Proposal No. 130, 2008 was retitled FISCAL ORDINANCE NO. 13, 2008, and reads as follows:

CITY-COUNTY FISCAL ORDINANCE NO. 13, 2008

A FISCAL ORDINANCE amending the City-County Annual Budget for 2008 (City-County Fiscal Ordinance No. 78, 2007) appropriating Sixty-Three Thousand One Hundred Thirty-One Dollars (\$63,131) in the State and Federal Grants Fund for purposes of the Marion County Public Defender Agency and reducing certain other accounts for that agency, where applicable.

BE IT ORDAINED BY THE CITY-COUNTY COUNCIL OF THE
CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA:

SECTION 1. To provide for expenditures the necessity for which has arisen since the adoption of the annual budget, Section 1.05 (b) of the City-County Annual Budget for 2008 be, and is hereby, amended by the increases and reductions hereinafter stated to fund the Juvenile Intra-Family Violence Diversion Program (\$8,291), Sentencing Consultants for Adult Court (\$3,000), and a contract with Midtown Mental Health Center for a Mental Health Coordinator (\$51,840), all funded by a U.S. Department of Justice grant administered by the Indiana Criminal Justice Institute, and covering the funding period January 1, 2008 through December 31, 2008.

SECTION 2. The sum of Sixty-Three Thousand One Hundred Thirty-One Dollars (\$63,131) be, and the same is hereby appropriated for the purposes as shown in Section 3 by reducing the accounts in Section 4, where applicable.

SECTION 3. The following additional appropriation is hereby approved:

<u>PUBLIC DEFENDER AGENCY</u>	<u>STATE AND FEDERAL GRANTS FUND</u>
1. Personal Services	0
2. Supplies	0
3. Other Services and Charges	63,131
4. Capital Outlay	0
TOTAL INCREASE	63,131

SECTION 4. The said additional appropriation is funded by new revenues, not previously appropriated, that will be deposited into the following fund:

	<u>STATE AND FEDERAL GRANTS FUND</u>
New revenues supporting the appropriations in Section 3	<u>63,131</u> 63,131

SECTION 5. Matching funds equal to 50% of the total cost of the programs will come from existing County General Fund appropriations in the budgets of the Marion County Public Defender and the Marion Superior Court, along with \$5,760 provided by the Midtown Mental Health Center.

SECTION 6. Except to the extent of matching funds approved in the ordinance, the council does not intend to use the revenues from any local tax regardless of source to supplement or extend the appropriation for the agencies or projects authorized by this ordinance. The supervisor of the agency or project, or both, and the controller are directed to notify in writing the city-county council immediately upon receipt of any information that the agency or project is, or may be, reduced or eliminated.

SECTION 7. This ordinance shall be in full force and effect upon adoption and compliance with IC 36-3-4-14.

Proposal No. 131, 2008 was retitled FISCAL ORDINANCE NO. 14, 2008, and reads as follows:

CITY-COUNTY FISCAL ORDINANCE NO. 14, 2008

A FISCAL ORDINANCE amending the City-County Annual Budget for 2008 (City-County Fiscal Ordinance No. 78, 2007) appropriating One Hundred Eighty-Nine Thousand Eight Hundred Ninety-Two Dollars (\$189,892) in the State and Federal Grants fund and transferring between characters Fifty-Five Thousand Six Hundred Twenty-Three (\$55,623) in the Law Enforcement Fund for purposes of the Marion County Justice Agency.

BE IT ORDAINED BY THE CITY-COUNTY COUNCIL OF THE
CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA:

SECTION 1. To provide for expenditures the necessity for which has arisen since the adoption of the annual budget, Section 106 (d) of the City-County Annual Budget for 2008 be, and is hereby, amended to fund the operations of the Metro Drug Task Force through the end of 2008. Funding will come from a grant awarded by the Indiana Criminal Justice Institute (\$189,892) and from a transfer between characters in the Law Enforcement Fund (\$55,623).

SECTION 2. The sum of Two Hundred Forty-Five Thousand Five Hundred Fifteen Dollars (\$245,515) be, and the same is hereby transferred for the purposes as shown in Section 3 by reducing the accounts as shown in Section 4, where applicable.

SECTION 3. The following increased appropriation is hereby approved:

<u>MARION COUNTY JUSTICE AGENCY</u>	<u>STATE AND FEDERAL GRANTS FUND</u>
1. Personal Services	149,072
2. Supplies	0
3. Other Services and Charges	40,820
4. Capital	<u>0</u>
TOTAL INCREASE	189,892

<u>MARION COUNTY JUSTICE AGENCY</u>	<u>LAW ENFORCEMENT FUND</u>
1. Personal Services	55,623
2. Supplies	0
3. Other Services and Charges	0
4. Capital	<u>0</u>
TOTAL INCREASE	55,623

April 14, 2008

SECTION 4. The said increased appropriation is funded by new revenues, not previously appropriated, that will be deposited into the following fund:

	<u>STATE AND FEDERAL GRANTS FUND</u>
New revenues supporting the appropriations in Section 3	<u>189,892</u>
	189,892

The said additional appropriation is funded by the following reduction:

<u>MARION COUNTY JUSTICE AGENCY</u>	<u>LAW ENFORCEMENT FUND</u>
1. Personal Services	0
2. Supplies	0
3. Other Services and Charges	55,623
4. Capital	<u>0</u>
TOTAL DECREASE	55,623

SECTION 5. This proposal includes funding for the following FTEs, which were contemplated for 2008 when the budget was submitted in August, 2007: the salary and fringes of an investigator (1.0 FTE) in the Marion County Prosecutor's office, the salary and fringes of an office manager (1.0 FTE) in the Marion County Justice Agency, the salary of a deputy prosecutor (1.0 FTE) in the Marion County Prosecutor's office, and a portion of the salary of an IMPD lieutenant (1.0 FTE), detailed to the Metro Drug Task Force.

SECTION 6. Except to the extent of matching funds approved in the ordinance, the council does not intend to use the revenues from any local tax regardless of source to supplement or extend the appropriation for the agencies or projects authorized by this ordinance. The supervisor of the agency or project, or both, and the controller are directed to notify in writing the city-county council immediately upon receipt of any information that the agency or project is, or may be, reduced or eliminated.

SECTION 7. This ordinance shall be in full force and effect upon adoption and compliance with IC 36-3-4-14.

Proposal No. 132, 2008 was retitled FISCAL ORDINANCE NO. 15, 2008, and reads as follows:

CITY-COUNTY FISCAL ORDINANCE NO. 15, 2008

A FISCAL ORDINANCE amending the City-County Annual Budget for 2008 (City-County Fiscal Ordinance No. 78, 2007) appropriating Sixty Thousand Dollars (\$60,000) and transferring an additional Nineteen Thousand Dollars (\$19,000) in the Non-lapsing Federal Grant Fund for purposes of the Department of Public Safety, Fire Division, and reducing certain other appropriations for that agency.

BE IT ORDAINED BY THE CITY-COUNTY COUNCIL OF THE
CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA:

SECTION 1. To provide for expenditures the necessity for which has arisen since the adoption of the annual budget, Section 1.01(j-2) of the City-County Annual Budget for 2008 be, and is hereby, amended by the increases and reductions hereinafter stated for purposes of the Department of Public Safety, Fire Division, to enable Indiana Task Force One to hold two training events for the National Urban Search and Rescue Response System, funded by a grant from the Federal Emergency Management Agency (FEMA). This proposal also transfers \$19,000 between characters to cover additional fuel costs and to purchase additional equipment from the FEMA approved cache list.

SECTION 2. The sum of Seventy Nine Thousand Dollars (\$79,000) be, and the same is hereby transferred and appropriated for the purposes as shown in Section 3 by reducing the accounts as shown in Section 4.

SECTION 3. The following additional appropriation is hereby approved:

<u>DEPARTMENT OF PUBLIC SAFETY, FIRE DIVISION</u>	<u>NON-LAPSING FEDERAL GRANTS FUND</u>
1. Personal Services	0
2. Supplies	3,032
3. Other Services and Charges	56,968
4. Capital Outlay	7,000
5. Internal Charges	<u>12,000</u>
TOTAL INCREASE	79,000

SECTION 4. The said increased appropriation is funded by the following reductions:

<u>DEPARTMENT OF PUBLIC SAFETY, FIRE DIVISION</u>	<u>NON-LAPSING FEDERAL GRANTS FUND</u>
1. Personal Services	0
2. Supplies	0
3. Other Services and Charges	19,000
4. Capital Outlay	0
5. Internal Charges	<u>0</u>
TOTAL DECREASE	19,000

The said additional appropriation is funded by new revenues, not previously appropriated, that will be deposited into the following fund:

	<u>NON-LAPSING FEDERAL GRANTS FUND</u>
New revenues supporting the appropriations in Section 3	<u>60,000</u>
	60,000

SECTION 5. There is no match required for this federal grant.

SECTION 6. Except to the extent of matching funds, if any, approved in this ordinance, the council does not intend to use the revenues from any local tax regardless of source to supplement or extend the appropriation for the agencies or projects authorized by this ordinance. The supervisor of the agency or project, or both, and the controller are directed to notify in writing the city-county council immediately upon receipt of any information that the agency or project is, or may be, reduced or eliminated.

SECTION 7. This ordinance shall be in full force and effect upon adoption and compliance with IC 36-3-4-14.

SPECIAL ORDERS - UNFINISHED BUSINESS – PUBLIC HEARING

PROPOSAL NO. 545, 2007. The proposal, sponsored by Councillor D. Mahern, is a rezoning ordinance for Pike Township, Councilmanic District 7, 4460 Guion Road (2006-ZON-104/2006-DP-004). On December 3, 2007, Councillor Pryor called the proposal out for public hearing. The proposal was postponed on December 17, 2007 and February 11, 2008.

Councillor Pryor made the following motion:

Mr. President:

The petitioners and remonstrators continue to negotiate a resolution of the rezoning case at 4460 Guion Road, Pike Township, Council District 7, and the remonstrators and petitioners have consented to a continuance of the hearing scheduled for this meeting.

I, therefore, move that the public hearing on Proposal No. 545, 2007 (Rezoning Docket No. 2006-ZON-104) be postponed and rescheduled for July 21, 2008.

Councillor Lutz seconded the motion, and Proposal No. 545, 2007 was postponed until July 21, 2008 by a unanimous voice vote. President Cockrum encouraged Councillor Pryor to continue working to resolve the issue. Councillor Pryor stated that she believes they will reach a resolution so that there is no need for a public hearing.

SPECIAL ORDERS - FINAL ADOPTION

PROPOSAL NO. 88, 2008. Councillor Plowman reported that the Metropolitan Development Committee heard Proposal No. 88, 2008 on March 31, 2008. The proposal, sponsored by Councillors Mansfield and Nytes, amends portions of the Code regarding the Industrial, Commercial, Dwelling Districts and Special Districts Zoning Ordinances to provide for sidewalks along public rights-of-way and pedestrian accessibility. By a 6-0 vote, the Committee reported

the proposal to the Council with the recommendation that it do pass as amended. Councillor Plowman moved, seconded by Councillor Moriarty Adams, for adoption.

Councillor Nytes stated that the minutes from this meeting are very lengthy, but she encouraged all members to read through them, as they are extremely informative regarding the problem they have had in the city. Sometimes, leaders have not wanted to do the tough thing, and have chosen to let developers forego putting in sidewalks, because it was easier than talking about building a quality city. She asked Councillors to look at the photos included with the minutes to see conditions the city should be embarrassed by. She added that repairing or putting in sidewalks in these locations will cost more today than they would have 25 to 30 years ago. She commended the staff for the collaborative process to negotiate these changes as a great example of how to get things done.

Councillor Mansfield echoed Councillor Nytes' comments and stated that a lot of hard work has been done by the Department of Metropolitan Development staff and community members. She said that her area is fairly well developed, but there are some critical areas where sidewalks might not be considered without this. She is eager to end the need for pedestrians to walk in the middle of the street.

Councillor D. Mahern stated that he supports the proposal, but urged Councillors to keep in mind that this does not pay for replacement of existing infrastructure, but will simply add more with tougher standards. He said that they need to go back to the table to figure out a long-term solution for repairs of existing sidewalks so that the city will not be in worse condition in the future.

Councillor Oliver asked if this takes away from the department's commitment for revitalization to existing sidewalks. Councillor Mansfield said that it will not take away, but could actually help, because they can set aside a dedicated fund for new sidewalks.

Councillor Pfisterer said that she wants to insure that the dedicated fund is structured so that it cannot be raided in future years for other uses. Councillor Mansfield stated that she does not believe the fund has been established yet, but thinks that is the key point of instituting such a fund.

Councillor Minton-McNeill asked how this helps with existing sidewalks that are in bad condition. Councillor Plowman said that it does not affect them at all and is only for new projects and developments.

Councillor Lutz stated that he supports the concept, but is concerned that somewhere in this 69-page ordinance, there might be unintended consequences wherein an individual who adds an addition to their home would be required to construct a sidewalk. Councillor Plowman said that this does not include residential projects, but commercial. Councillor Lutz said that he believes some residential districts are included. Maury Plambeck, director of the Department of Metropolitan Development, said that if the development includes multi-family units, they would be impacted, but no individual single-family homes would be affected.

Proposal No. 88, 2008, as amended, was adopted on the following roll call vote; viz:

26 YEAS: Bateman, Brown, Cain, Cardwell, Cockrum, Coleman, Day, Gray, Hunter, Lutz, Mahern (B), Mahern (D), Malone, Mansfield, McHenry, McQuillen, Moriarty Adams, Nytes, Pfisterer, Plowman, Pryor, Sanders, Scales, Smith, Speedy, Vaughn
2 NAYS: Minton-McNeill, Oliver
1 ABSENT: Evans

Proposal No. 88, 2008 was retitled GENERAL ORDINANCE NO. 4, 2008, and reads as follows:

CITY-COUNTY GENERAL ORDINANCE NO. 4, 2008

METROPOLITAN DEVELOPMENT COMMISSION
DOCKET NO. 2007-AO-02

A GENERAL ORDINANCE to amend portions of the “Revised Code of the Consolidated City and County” regarding the Industrial, Commercial, Dwelling Districts and Special Districts Zoning Ordinances and fixing a time when the same shall take effect.

WHEREAS, IC 36-7-4 establishes the Metropolitan Development Commission (MDC) of Marion County, Indiana, as the single planning and zoning authority for Marion County, Indiana, and empowers the MDC to approve and recommend to the City-County Council of the City of Indianapolis and of Marion County, Indiana ordinances for the zoning or districting of all lands within the county for the purposes of securing adequate light, air, convenience of access, and safety from fire, flood, and other danger; lessening or avoiding congestion in public ways; promoting the public health, safety, comfort, morals, convenience, and general public welfare; securing the conservation of property values; and securing responsible development and growth; and

WHEREAS, the City of Indianapolis adopted a Comprehensive Plan, the first part of which, known as the Community Values Component, included recommended ordinance changes to further the mission of the Department of Metropolitan Development; and

WHEREAS, a section of the Community Values Component entitled “Recommended Ordinance and Procedure Changes” included the following recommendation: “Amend commercial and industrial zoning ordinances to require sidewalks and standards for pedestrian safety;” and

WHEREAS, current ordinance requirements do not address the provision of sidewalks for new development or expansion of existing development; and

WHEREAS, development of employment centers and commercial areas increase the impact upon our transportation network system-wide, not just their immediate site, by potentially drawing employees and customers from throughout the jurisdiction; and improvements to all modes of the transportation network, including sidewalks, need to be undertaken to meet this increased demand; and

WHEREAS, the provision of a robust public transit system that effectively serves the citizenry is vital for a community to be sustainable, economically dynamic, and equitable to the health of all citizens, and sidewalks are a fundamental element of a successful public transit; and

WHEREAS, public health of Indianapolis’ citizenry is declining according to the Center for Disease Control and Prevention, the Harvard School of Public Health and other nationally recognized sources; public health is directly correlated to the public’s ability and opportunity to exercise (American Journal of Preventive Medicine, 22, 188-199); the opportunity for outdoor exercise is directly correlated to the walkability of a community; and the provision of sidewalks is a critical building block of a walkable and accessible community; now, therefore:

BE IT ORDAINED BY THE CITY-COUNTY COUNCIL OF THE
CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA:

SECTION 1. Section 731-102 of the “Revised Code of the Consolidated City and County,” regarding definitions and diagrams in the Dwelling Districts Zoning Ordinances of Marion County, Indiana, hereby is amended by the deletion of the language that is stricken-through and by the addition of the language which is underscored, to read as follows and to renumber as needed:

Section 731-102 Definitions. The words in the text of this article and Article II of this chapter shall be interpreted in accordance with the definitions set forth below.

- (1) *Abut*: To physically touch or border upon; or to share a common property line.
- (2) *Access*: The way by which vehicles shall have ingress to and egress from a land parcel or property and the either street fronting along said property or parcel or an abutting alley.
- (3) *Access drive*: That area within the right-of-way between the pavement edge or curb and the right-of-way line providing ingress and egress to and from a land parcel or property. (See Diagram A [not included herein].)
- (4) *Accessory*: A subordinate structure, building or use that is customarily associated with, and is appropriately and clearly incidental and subordinate in use, size, bulk, area and height to the primary structure, building, and use, and is located on the same lot as the primary building, structure, or use.
- (5) *Administrator*: Administrator of the Division of Planning or his/her appointed representative.
- (6) *Agricultural enterprise*: The land use of farming, cultivation of crops, dairying, pasturage, horticulture, floriculture, viticulture, animal and poultry husbandry, with the necessary, accompanying accessory use(s), building(s), or structure(s) for housing, packing, treating, or storing said products.
- (7) *Alley*: Any public right-of-way which has been dedicated or deeded to and accepted by the public for public use as a secondary means of public access to a lot(s) otherwise abutting upon a public street and not intended for traffic other than public services and circulation to and from said lot(s).
- (8) *Alteration*: Any change in type of occupancy, or any change, addition or modification in construction of the structural members of an existing structure, such as walls, or partitions, columns, beams or girders, as well as any change in doors or windows or any enlargement to or diminution of a structure, whether it be horizontally or vertically.
- (9) *Antenna*: A device that is designed to receive:
 - a. Direct broadcasts satellite service, including direct-to-home satellite services; or
 - b. Video programming services via multipoint distribution services, including multichannel multipoint distribution services, instructional television fixed services, and local multipoint distribution services; or
 - c. Television broadcast signals.
- (10) *Attached multifamily dwelling*: See "Dwelling, multifamily attached."
- (11) *Awning*: A roof-like cover, often of fabric, metal or glass designed and intended to either protect from the weather or as a decorative embellishment, and which is supported and projects from a wall or roof of a structure over a window, walk, door, or a similar feature.
- (12) *Balcony, exterior*: An unenclosed platform structure supported by and projecting from the exterior side of a building gaining sole access from said building, and designed and intended for either decorative purposes or lounging, dining, and similar activities.
- (13) *Basement*: That portion of a building with an interior vertical height clearance of not less than seventy-eight (78) inches and having one-half (1/2) or more of its interior vertical height clearance below grade level.
- (14) *Bathhouse*: An accessory building of one (1) or more rooms not open to the public, designed and intended for exclusive use by occupant(s) of the primary use and their guest(s) as dressing room(s) and may or may not include sanitary facilities.
- (15) *Bed and breakfast*: The commercial leasing of bedroom(s) for guest(s) within a private, owner-occupied, one- or two-family dwelling unit. Such leasing provides temporary accommodations, typically including a morning meal, to overnight guests for a fee. Such

leasing may also provide for the temporary accommodation of daytime meetings or receptions for guests for a fee. Such leasing caters largely to tourists and the traveling public.

(16) *Blended transitions*: A connection with a grade of five (5) percent or less between the level of the pedestrian walkway and the level of the crosswalk. (See Diagram M.)

~~(4617)~~ *Boardinghouse*: A community facility, other than hotels, motels, containing accommodation facilities in common where lodging, typically with meals reserved solely for the occupants thereof, is provided for a fee.

~~(4718)~~ *Buildable area*: The area of a lot remaining after the minimum yard and open space requirements of the applicable zoning ordinance(s) have been met. (See Diagram B [not included herein].)

~~(4819)~~ *Building*: Any structure designed or intended for the support, enclosure, shelter, or protection of persons, animals, or property of any kind, having an enclosed space and a permanent roof supported by columns or walls.

~~(4920)~~ *Building area*: The total ground area, within the lot or project, covered by the primary structure, plus garages, carports and other accessory structures which are greater than eighteen (18) inches above grade level, excluding fences and walls not attached in any way to a roof (See Diagram B.)

~~(2021)~~ *Cabana*: Same as "bathhouse".

~~(2422)~~ *Canopy*: A rooflike cover, often of fabric, metal, or glass on a support, which is supported in total or in part, from the ground providing shelter over a doorway or outside walk.

~~(2223)~~ *Carport*: A roofed structure designed and intended to shelter the automotive vehicle(s) of the premises' occupant(s) or owner(s), with at least one (1) side permanently open to the weather.

~~(2324)~~ *Child* , per IC 12-7-2-28: An individual who is less than eighteen (18) years of age.

~~(2425)~~ *Child care* , per IC 12-7-2-28.2: A service that provides for the care, health, safety, and supervision of a child's social, emotional, and educational growth.

~~(2526)~~ *Child care home* , per IC 12-7-2-28.6:

a. A residential structure in which at least six (6) children (not including the children for whom the provider is a parent, stepparent, guardian, custodian or other relative) at any time receive child care from a provider:

1. While unattended by a parent, legal guardian, or custodian;
2. For regular compensation; and
3. For more than four (4) hours but less than twenty-four (24) hours in each of ten (10) consecutive days per year, excluding intervening Saturdays, Sundays, and holidays.

b. The term includes:

1. A class I child care home;
2. A class II child care home; and
3. Exempt licenses, per 470 IAC 3-1.1-26.

~~(2627)~~ *Class I child care home* , per IC 12-7-2-33.7:

a. A child care home that serves any combination of full-time and part-time children, not to exceed twelve (12) children at any one (1) time.

b. A child:

1. For whom the provider of care is a parent, stepparent, guardian, custodian or other relative; and
2. Who is at least seven (7) years of age; shall not be counted in determining whether the child care home is within the limit set forth in subsection a.

~~(2728)~~ *Class II child care home*, per IC 12-7-2-33.8:

a. A child care home that serves more than twelve (12) children but not more than any combination of sixteen (16) full-time and part-time children at any one (1) time.

b. A child:

1. For whom the provider of care is a parent, stepparent, guardian, custodian, or other relative; and
2. Who is at least seven (7) years of age; shall not be counted in determining whether the child care home is within the limit set forth in subsection a.

~~(2829)~~ *Cluster*: A development design technique that concentrates buildings in specific areas on the site to allow the remaining land to be used for recreation, common open space and preservation of environmentally sensitive features in perpetuity.

~~(2930)~~ *Cluster subdivision*: A form of development for single-family residential subdivisions that permits a reduction in the minimum lot: area, width, setback and open space requirements and to concentrate development in specific areas of the subdivision while also maintaining the same overall density permitted under a conventional subdivision in a given zoning district, and, the remaining land area is devoted to open space, or recreational areas in perpetuity.

~~(3031)~~ *Collector street*: See "street, collector".

~~(3132)~~ *Commission*: The Metropolitan Development Commission of Marion County, Indiana.

~~(3233)~~ *Commitment*: An officially recorded agreement concerning and running with the land as recorded in the Office of the Marion County Recorder.

~~(3334)~~ *Comprehensive plan*: The applicable comprehensive or master plan for Marion County, Indiana, or a segment thereof, adopted by the Metropolitan Development Commission of Marion County, Indiana, pursuant to IC 36-7-4-500 Series, and all acts amendatory thereto.

~~(3435)~~ *Condition*: An official agreement between the municipality and the petitioner concerning the use or development of the land as specified in the letter of grant of a variance, special exception or approval petition as signed by the administrator.

~~(3536)~~ *Condominium*: A building, group of buildings, or portion thereof, in which units are owned individually, and the structure, common areas, or facilities are owned by all the owners on a proportional, undivided basis.

~~(3637)~~ *Corner lot*: See "Lot, corner".

~~(3738)~~ *Covenant*: A private legal restriction on the use of land contained in the deed, plat and other legal documents pertaining to the property.

~~(3839)~~ *Covenant, parole*: A verbal, binding agreement, made at a public parole hearing, restricting the use of the land.

~~(3940)~~ *Covered open space*: See "open space, covered".

~~(4041)~~ *Crown of the street*: The highest point of pavement between the existing curb lines of a street cross-section, most often at the centerline.

~~(4142)~~ *Cul-de-sac*: See "street, cul-de-sac".

~~(4243)~~ *Curb cut*: The opening along the curb line, exclusive of handicap ramps, at which point vehicles may enter or leave the street. (See Diagram A [not included herein].)

~~(4344)~~ *Curb line*: A line located on either edge of the pavement, but within the right-of-way line. (See Diagram A [not included herein].)

(45) *Curb ramps*: A perpendicular or parallel ramp and its landing that cuts through or is built up to the curb.

~~(4446)~~ *Deck*: A ground-supported, unenclosed, accessory platform structure, usually constructed of wood, of which any permanent horizontal area(s) of the platform is raised eighteen (18) inches or more above grade level designed and intended for the recreational enjoyment of the occupants and guests of the primary structure or use.

~~(4547)~~ *Double dwelling*: Same as "Dwelling, two-family".

~~(4648)~~ *Drip line*: The perimeter of a tree's spread measured to the outermost tips of the branches and extending downward to the ground.

~~(4749)~~ *Driveway*: Access for vehicular movement to egress/ingress between the right-of-way of private or public streets and the required building setback line. (See Diagram A [not included herein].)

~~(4850)~~ *Duplex*: Same as "dwelling, two-family".

~~(4951)~~ *Dwelling, manufactured home*: A unit which is fabricated in one (1) or more modules at a location other than the home site, by assembly-line type production techniques or by other construction methods unique to an off-site manufacturing process. Every module shall bear a label certifying that it is built in compliance with the Federal Manufactured Home Construction and Safety Standards. The unit must have been built after January 1, 1981, have at least nine hundred fifty (950) square feet of main floor area (exclusive of garages, carports, and open porches), and exceed twenty-three (23) feet in width.

~~(5052)~~ *Dwelling, mobile*: A movable or portable unit fabricated in one (1) or more modules at a location other than the home site, by assembly-line type production techniques or by other construction methods unique to an off-site manufacturing process. The unit is designed for occupancy by one (1) family, and erected or located as specified by Chapter 8, Article III, Division IV of the Code of Indianapolis and Marion County, and which was either:

a. Constructed prior to June 15, 1976, and bears a seal attached under Indiana Public Law 135, 1971, certifying that it was built in compliance with the standards established by the Indiana Administrative Building Council; or,

b. Constructed subsequent to or on June 15, 1976, and bears a seal certifying that it was built in compliance with the Federal Mobile Home Construction and Safety Standards law.

~~(5153)~~ *Dwelling, modular home*: A unit which is fabricated in one (1) or more modules at a location other than the home site, by assembly-line type production techniques or by other construction methods unique to an off-site manufacturing process, designed for occupancy by one (1) family unit. Every module shall bear the seal certified that it was built in compliance with Indiana Public Law 360. The unit must have been built in compliance with the CABO One- and Two-Family Dwelling Code.

~~(5254)~~ *Dwelling, multifamily*: See "Dwelling, attached multifamily".

~~(5355)~~ *Dwelling, attached multifamily*: A building for residential purposes with three (3) or more dwelling units, having common or party walls, on a single lot. Each unit is totally separated from the other by an unpierced wall extending from ground to roof or an unpierced ceiling and floor extending from exterior wall to exterior wall, except for a common or individual stairwell(s) exterior to any dwelling unit(s).

~~(5456)~~ *Dwelling, single-family*: A site-built building for one (1) dwelling unit.

~~(5557)~~ *Dwelling, two-family*: A building designed originally for residential occupancy by two (2) families living independently of each other, which contains two (2), legally complete, dwelling units. Each unit in a two-family dwelling is completely separated from the other by either; a) an unpierced wall extending from ground to roof; or, b) an unpierced ceiling and floor extending from exterior wall to exterior wall, except for a common stairwell exterior to both dwelling units.

~~(5658)~~ *Dwelling unit*: One (1) or more rooms connected together in a residential building or residential portion of a building, which are arranged, designed, used and intended for use by one (1) or more human beings living together as a family and maintaining a common household for owner occupancy or rental or lease on a weekly, monthly, or longer basis; and which includes lawful cooking, eating, sleeping space and sanitary facilities reserved solely for the occupants thereof.

~~(5759)~~ *Erect*: Activity of constructing, building, raising, assembling, placing, affixing, attaching, creating, or any other way of bringing into being or establishing.

~~(5860)~~ *Excavation*: The breaking of ground, except common household gardening, ground care and agricultural activity.

~~(5961)~~ *Family*: One (1) or more human beings related by blood, marriage, adoption, foster care or guardianship together with incidental domestic servants and temporary, noncompensating guests; or, not more than four (4) human beings not so related, occupying a dwelling unit and living as a single housekeeping unit.

~~(6062)~~ *Fence*: A type of structural barrier usually made of posts supporting such items, by way of example, as chain link, wood pickets, lattice-work, and similar items.

~~(6163)~~ *Finished floor area*: That portion of floor area constructed, completed and usable for living purposes with normal living facilities which includes sleeping, dining, cooking, sanitary, or combination thereof. A floor area or portion thereof used only for storage purposes and not equipped with the facilities previously identified shall not be considered finished floor area.

~~(6264)~~ *Floor area*: For one- and two-family dwelling units, the sum of all horizontal surface areas of all floors of all roofed portions of a building enclosed by and within the surrounding exterior walls or roofs, or the centerline(s) of party walls separating such buildings or portions thereof. The floor area of a building shall exclude all areas with a vertical height clearance less than seventy-eight (78) inches, exterior open balconies, and open porches.

For attached or detached multifamily dwelling(s), the sum of all horizontal surface areas of all floors of all roofed portions of all buildings enclosed by and within the surrounding exterior walls or roofs, or the centerline(s) of party walls separating such buildings or portions thereof.

However, this does not include the following:

- a. All areas with a vertical height clearance less than seventy-eight (78) inches;
- b. All exterior open balconies, and open porches;
- c. Floor or basement floor area devoted to off-street parking or loading facilities, including aisles, ramps, and maneuvering space;
- d. Floor or basement floor area provided for recreational uses, available to occupants of two (2) or more living units within a project; or
- e. Basement floor area provided for storage facilities, allocated to serve individual living units within a project.

~~(6365)~~ *Floor area ratio (FAR)*: The aggregate floor area of all stories of all buildings within the project divided by the land area.

~~(6466)~~ *Front lot line*: See "Lot line, front".

~~(6567)~~ *Front yard*: See "Yard, front".

~~(6668)~~ *Frontage*: The line of contact of a property with the street right-of-way along a lot line which allows unobstructed, direct access to the property.

~~(6769)~~ *Frontage, public street*: The line of contact of abutting property with the public street along the front lot line which allows unobstructed direct access to the property.

~~(6870)~~ *Full control of access*: The condition where the right of the owner(s) or occupant(s) of abutting property(ies), or of other persons, to access said property(ies), including the location and connection with public streets, is controlled by public authority. Full control of access gives preference to through vehicular traffic movement, by providing access connections with selected public streets only, by limiting crossings at grade and by prohibiting direct driveway connections.

Such frontages include, but are not limited to, the frontages along: Binford Boulevard; North Shadeland Avenue between 48th Street to the Fall Creek waterway; and North Keystone Avenue between Woodfield Crossing Boulevard and 96th Street.

~~(6971)~~ *Game court*: A type of recreation facility which consists of an unpaved or paved, accessory, surface area of ground open and essentially unobstructed to the sky, on the same lot as the primary structure, designed and intended for the playing of a recognized sport as an accessory, recreational activity by the occupants and guests of the primary structure, which may include fencing, screening, nets, goals, or other necessary appurtenances required for the recreational use.

~~(7072)~~ *Garage, residential*: A building accessory to a residential use, or an enclosed area attached or integrated into a residential building, which is primarily designed and intended to be used for the storage of the private vehicle(s) for the occupant(s) of said residence and is not a separate commercial enterprise available to the general public.

~~(7173)~~ *Gazebo*: A roofed, ground-supported, unenclosed, accessory platform structure, usually constructed of wood, stone, brick, or metal designed and intended for the recreational enjoyment of the occupants and guests of the primary structure or use.

~~(7274)~~ *Grade, established street*: The crown elevation of a street pavement level abutting the property as fixed by the appropriate government agency(ies).

~~(7375)~~ *Grade level (adjacent ground elevation)*: The lowest point of elevation of the finished surface of the ground, paving or sidewalk and similar surface improvements within the area between the exterior walls of a primary building or structure and the property line, or when the property line is more than ten (10) feet from said walls, between said walls and a line ten (10) feet away from and paralleling said walls.

~~(7476)~~ *Gross acre*: A horizontal measure of land area equal to forty-three thousand five hundred sixty (43,560) square feet.

~~(7577)~~ *Ground cover*: Low-growing plants less than eighteen (18) inches in height with a spreading growth habit, such as grasses, vines, flowers, or a similar feature.

~~(7678)~~ *Ground floor*: That story which contains finished floor area closest to but not below grade level. In cases in which the only story with finished floor area is below grade level, that story with finished floor area closest to grade level shall be considered the ground floor.

~~(7779)~~ *Group home*: A residential facility for the developmentally disabled (as defined by IC 12-7-2-166) or a residential facility for the mentally ill (as defined in IC 12-7-2-167), licensed by the Community Residential Facilities Council, or its successor in authority in accordance with a program described in:

a. IC 12-11-1 (residential facility for the developmentally disabled); or

b. IC 12-22-2-3(2) through 12-22-2-3(6) (residential facility for the mentally ill).

~~(7880)~~ *Handicap ramp*: Same as "pedestrian ramp".

~~(7981)~~ *Hard-surfaced*: Quality of an outer area being solidly constructed of pavement, brick, paving stone, tile, wood, or a combination thereof.

~~(8082)~~ *Hedge*: A row or rows of closely planted shrubs, bushes, or combination thereof creating a vegetative barrier.

~~(8183)~~ *Height, building*: The vertical distance above a reference line measured to the highest point of the coping of a flat roof or to the deck line of a mansard roof or to the height of the highest gable of a pitched or hipped roof. The reference line shall be selected by either of the following, whichever yields a greater building height:

- a. The elevation of the highest adjoining sidewalk or ground surface within a ten (10) foot horizontal distance from and paralleling the exterior wall of the building or structure when said sidewalk or ground surface is not more than ten (10) feet above lowest grade; or
- b. An elevation ten (10) feet higher than the lowest grade when said sidewalk or ground surface is more than ten (10) feet above the lowest grade.

~~(8284)~~ *Heliport*: An area of land, water or structural surface which is used, or intended for use, for the lawful landing and takeoff of helicopters, and any appurtenant areas which are used, or intended for use for heliport buildings and auxiliary facilities, such as, parking areas, waiting rooms, fueling, storage and maintenance equipment areas.

~~(8385)~~ *Helistop*: An area of land, water or structural surface which is used, or intended for use, for the landing and takeoff of helicopters, without the provision of fueling, repair, maintenance or storage facilities.

~~(8486)~~ *Home occupation*: An occupation or business activity carried on within:

- a. A legally established dwelling unit; or
- b. An associated accessory structure (in those cases where the business activity is a legally established nonconforming occupation which occupies such associated accessory structure), by a resident of said dwelling, where the occupation or business activity is clearly incidental and subordinate to the residential use and does not alter the character thereof.

~~(8587)~~ *Hospital*: An institution housed in a building, group of buildings or portion thereof, providing primary health services and psychological, medical or surgical care to persons, primarily inpatients, suffering from illness, disease, injury, deformity and other physical or mental conditions, and including as an integral part of the institution, related facilities such as laboratories, outpatient or training facilities.

~~(8688)~~ *Hotel*: Any building or group of buildings, containing guest rooms without direct access to the outside, designed or intended to be occupied for sleeping purposes by guests for a fee with general kitchen and dining room facilities provided within the building or an accessory building, and which caters to the traveling public.

~~(8789)~~ *Interior access drive*: A minor, ~~private or public street~~ roadway for vehicular movement providing access within the boundaries of a project beginning at the required setback line (see Diagram A).

~~(8890)~~ *Interior access driveway*: Access for vehicular movement to egress/ingress between interior access drives connecting two (2) or more projects or land parcels. (See Diagram A [not included herein].)

~~(8991)~~ *Land area*: The total horizontal area within the project boundaries, plus the area of half of any abutting alley or street rights-of-way.

~~(9092)~~ *Landscaping*: Any combination of sculpture, fountains, pools, and walkways with substantial living vegetation, such as trees, shrubs, ground cover, thickets with grasses planted, preserved, transplanted, maintained and groomed to develop, articulate and enhance the aesthetic quality of the area as well as provide erosion, drainage and wind control.

~~(9193)~~ *Legally established nonconforming building or structure*: Any continuous, lawfully established building or structure erected or constructed prior to the time of adoption, revision or amendment, or granted variance of the zoning ordinance, but which fails, by reason of such

adoption, revision, amendment or variance, to conform to the present requirements of the zoning district.

~~(9294)~~ *Legally established nonconforming use:* Any continuous, lawful land use having commenced prior to the time of adoption, revision or amendment of a zoning ordinance, but which fails, by reason of such adoption, revision, amendment, or variance to conform to the present requirements of the zoning district.

~~(9395)~~ *Livability space:* The open space minus the vehicle area within the open space.

~~(9496)~~ *Livability space ratio (LSR):* The livability space divided by the floor area.

~~(9597)~~ *Local street:* See "street, local".

~~(9698)~~ *Lot:* A piece, parcel, plot or tract of land designated by its owner or developer to be used, developed or built upon as a unit under single ownership or control and occupied or intended for occupancy by a use permitted in the zoning ordinances for Marion County, Indiana, including one (1) or more main buildings, accessory uses thereto and the required yards as provided for the zoning ordinances of Marion County, Indiana and may consist of:

- a. A single lot of record; or
- b. A portion of a lot of record; or
- c. A combination of complete lots of record, or complete lots of record and portions of lots of record, or of portions of lots of record.

A lot may or may not coincide with a lot of record. For purpose of this definition, the ownership of a lot is further defined to include:

- a. The person(s) who holds either fee simple title to the property or is a life tenant as disclosed in the records of the township assessor;
- b. A contract vendee;
- c. A long-term lessee (but only if the lease is recorded among the records of the County Recorder and has at least twenty-five (25) years remaining before its expiration at the time of applying for a permit). (See Diagram C [not included herein].)

~~(9799)~~ *Lot area:* The area of a horizontal plane bounded on all sides by the front, rear, and side lot lines that is available for use or development and does not include any area lying within the right-of-way of any public or private street or easement for surface access ingress or egress into the subject lot or adjoining lots.

~~(98100)~~ *Lot, corner:* A lot abutting upon two (2) or more streets at their intersections, or upon two (2) parts of the same street forming an interior angle of less than one hundred thirty-five (135) degrees. (See Diagram C [not included herein].)

~~(99101)~~ *Lot, through:* A lot which fronts upon two (2) parallel streets, or which fronts upon two (2) streets which do not intersect at the boundaries of the lot. (See Diagram C [not included herein].)

~~(100102)~~ *Lot line:* The legal boundary of a lot as recorded in the Office of the Marion County Recorder.

~~(101103)~~ *Lot line, front:* The lot line(s) separating the lot from street rights-of-way; in the case of a corner lot, both lot lines separating the lot from the street rights-of-way shall be considered front lot lines; or, in the case of a through lot, the lot line which most closely parallels the primary entrance of the primary structure shall be considered the front lot line. (See Diagram B [not included herein].)

~~(102104)~~ *Lot line, rear:* A lot line which is opposite and most distant from the front lot line, or in the case of a triangularly shaped lot, a line ten (10) feet in length with the lot, parallel to

and at the maximum distance from the front lot line. However, in the case of a corner lot line, any lot line which intersects with a front lot line shall not be considered a rear lot line.

~~(403)~~105) *Lot line, side*: Any lot line not designated as a front or rear lot line.

~~(404)~~106) *Lot of record*: A lot which is part of a subdivision or a lot or a parcel described by metes and bounds, the description of which has been so recorded in the Office of the Recorder of Marion County, Indiana. A lot of record is not necessarily a piece, parcel, plot or tract designated or used for single ownership.

~~(405)~~107) *Main floor area*: The area of a horizontal plane fully bound by the exterior walls of the primary building or structure of the floor surface at or above grade level exclusive of vent shafts, decks, garages, uncovered or covered open space.

~~(406)~~108) *Major livability space*: The total area in a project provided for outdoor recreation, relaxation, amusement, pleasure and for similar use within the project, which area may or may not be improved; however, all livability space countable for purposes of computing the major livability space ratio shall be at least twenty (20) feet away from any ground floor residential wall containing one (1) or more windows and shall have a minimum linear dimension averaging eighty (80) feet, except that an area of lesser dimension is countable if:

- a. The total required major livability space is less than six thousand four hundred (6,400) square feet, or
- b. The shape or topography of the site alone prevents compliance with the minimum dimensions.

~~(407)~~109) *Major livability space ratio (MLSR)*: The total major livability space of countable size divided by the aggregate floor area.

~~(408)~~110) *Manufactured home*: See "dwelling, manufactured home".

~~(409)~~111) *Marginal access street*: See "street, marginal access".

~~(410)~~112) *Mini-barn*: A freestanding, completely enclosed, accessory building constructed of stone, brick, metal or wood designed with a rural character and intended for the storage of personal property solely of the occupants of the primary use on the lot. (See also "shed".)

~~(411)~~113) *Minor emergency repairs*: Those maintenance repairs necessitating immediate solution yet not posing an immediate life safety hazard, nor altering the existing character of the structure (See "alteration").

~~(412)~~114) *Mobile dwelling*: See "dwelling, mobile".

~~(413)~~115) *Mobile dwelling project*: See "project, mobile dwelling".

~~(414)~~116) *Modular home*: See "dwelling, modular home".

~~(415)~~117) *Motel*: Any building or group of buildings, containing guest rooms, with at least twenty-five (25) percent of all rooms having direct access to the outside without the necessity of passing through the main lobby of the building(s), designed or intended to be occupied for sleeping purposes by guests for a fee and where general kitchen and dining room facilities may be provided within the building or an accessory building, and which caters to the traveling public.

~~(416)~~118) *Mulch*: A protective covering of vegetative substances placed around plants to prevent evaporation of moisture, freezing, and to control weeds.

~~(417)~~119) *Multifamily dwelling*: See "dwelling, multifamily".

~~(418)~~120) *Off-street*: A location completely on private land, and completely off of public rights-of-way, alleys and any interior surface access easement for ingress and egress.

~~(419)~~121) *Open porch*: An unenclosed structure, open to the sky, supported from the ground and attached to or a part of a building at the area of entrance or exit to said building facilitating access to said building from the ground.

~~(420)~~122) *Open space*: The total horizontal area of all uncovered open space plus one-half (1/2) of the total horizontal area of all covered open space.

~~(424)~~123) *Open space, covered*: All exterior space within the project, which is open and exposed to the weather, but not open above to the sky. It includes porches, carports, covered exterior balconies and exterior spaces covered by portions of buildings.

~~(422)~~124) *Open space, uncovered*: In D-6, D-6II, D-7, D-8, D-9, D-10 and D-11 districts: the land area, minus the building area, plus the usable roof area. In D-A, D-S, D-1, D-2, D-3, D-4, D-5, D-5II and D-12 districts; and D-8 single- and two-family dwellings: The lot area, minus the building area.

~~(423)~~125) *Open space ratio (OSR)*: The open space divided by the floor area.

~~(424)~~126) *Parking area*. An area of paving other than an open exhibition or display area, not inclusive of interior access drives, driveways, interior access driveways and access drives intended for the temporary storage of automotive vehicles including parking spaces and the area of access for the egress/ingress of automotive vehicles to and from the actual parking space. (See Diagram A [not included herein]).

~~(425)~~127) *Parking space*: An off-street portion of the parking area, which shall be used only for the temporary placement of an operable vehicle. (See Diagram A [not included herein]).

~~(426)~~128) *Part-time*: A period of at least twenty-five (25) percent less than a regular or customarily full schedule of a specific activity, such as employment.

~~(427)~~129) *Partial control of access*: The condition where the right of the owner(s) or occupant(s) of abutting property(ies), or of other persons, to access said property(ies), including the location and connection with public streets, is controlled by public authority. Partial control of access gives preference to through vehicular traffic movement to a degree that, in addition to access connections with selected public streets, there may be crossings at grade and some driveway connections.

~~(428)~~130) *Patio*: A hard-surfaced area accessory to the primary structure or use of which the horizontal area is at grade level with at least one (1) side open to the weather and essentially unobstructed to the sky. This area is specifically designed and intended for the recreational enjoyment of the occupants and guests of the primary structure or use and not designed or intended for use by automotive vehicles. (See also "deck.")

~~(429)~~131) *Patio, covered*: A hard-surfaced area accessory to the primary structure or use of which the horizontal area is at grade level with at least one (1) side open to the weather and permanently roofed or similarly covered. This area is specifically designed and intended for the recreational enjoyment of the occupants and guests of the primary structure or use and not designed or intended for use by automotive vehicles.

~~(430)~~132) *Paved-stand*: A permanent area specifically designed and intended for the location, securing, and use of a mobile dwelling on a non-temporary basis encompassing completely the area immediately below or covered by such dwelling including necessary plumbing, power, and other utility installations. The mobile dwelling's foundation, consisting of runners, ribbons or piers, usually made of concrete for the purpose of blocking the dwelling, are within this area.

~~(434)~~133) *Pavement*: A layer of concrete, asphalt or coated macadam used on street, sidewalk, or airport surfacing.

~~(432)~~134) *Paving*: See "pavement".

~~(433)~~135) *Pedestrian ramp*: An inclined access opening along the curb line at which point pedestrians, unassisted or assisted by a wheelchair, walker or similar feature, may enter or leave the street; or, an incline providing pedestrians, unassisted or assisted by a wheelchair, walker or similar feature, access from the ground to an elevated surface.

(~~434~~136) *Perimeter yard*: See "yard, perimeter".

(~~435~~137) *Permitted use*: Any use allowed in a zoning district and subject to the restrictions applicable to that zoning district.

(~~436~~138) *Plat*: An officially recorded map, as recorded in the Office of the Marion County Recorder, or a map intended to be recorded indicating the subdivision of land including, but not limited to, boundaries and locations of individual properties, streets, and easements.

(~~437~~139) *Porch*: A roofed structure with at least one (1) side exposed to the weather, supported from the ground and attached to or part of a building at the area of entrance or exit to said building.

(~~438~~140) *Porte-cochere*: A roofed, sheltering structure supported from the ground and attached to or a part of a building, which projects over an entrance/exit, walkway, driveway, or similar feature.

(~~439~~141) *Primary building*: The building in which the permitted primary use of the lot is conducted.

(~~440~~142) *Principal homestead*: The dwelling unit in which the primary users of the agricultural enterprise reside.

(~~441~~143) *Project*: A lot or parcel of contiguous land to be developed for a use or uses permitted in the D-6, D-6II, D-7, D-8, D-9, D-10, D-11 dwelling districts, which at the time of development is under one (1) ownership or control, and subsequently may be subdivided, developed, or conveyed into smaller lots or parcels.

(~~442~~144) *Project boundaries*: The perimeter lot lines encompassing the entire project as indicated in the Office of the Marion County Recorder.

(~~443~~145) *Project, mobile dwelling*: An area of contiguous land separated only by a street(s) upon which three (3) or more mobile dwellings are designated spaces or lots for the purpose of being occupied as primary residences and includes all real and personal property used in the operation of said mobile dwelling project or, an area of contiguous land separated only by a street, that is subdivided and contains individual lots which are or intended to be sold, leased or similarly contracted for the purpose of being occupied as a primary residence, is a mobile dwelling project if three (3) or more lots or sites are designated specifically to accommodate mobile dwellings.

(~~444~~146) *Public street frontage*: See "frontage, public street".

(~~445~~147) *Rear yard*: See "yard, rear".

(~~446~~148) *Recreation facility*: A place, area or structure designed and equipped for the conduct of sport, leisure time activities and other customary and usual recreational activities.

(~~447~~149) *Recreation facility, commercial*: A recreation facility operated as a for profit business and open to the public for a fee.

(~~448~~150) *Recreation facility, personal*: A recreation facility provided as an accessory use on the same lot as the principal permitted use and designed to be used primarily by the occupants of the principal use and their guests without a fee.

(~~449~~151) *Recreation facility, private*: A recreation facility operated by a nonprofit organization, and open only to bona fide members and guests of such nonprofit organization.

(~~450~~152) *Recreation facility, public*: A recreation facility operated by a governmental agency and open to the general public.

(~~451~~153) *Recreational vehicle*: A vehicle, which may be motorized, non-motorized, self-propelled or towed, designed and intended specifically for non-commercial use, such as temporary living, travel, and leisure activities, including the trailer that may transport the vehicle. Examples include but not limited to boats, jet skis, race cars, all-terrain bikes, motor homes, travel trailers, and camping trailers.

~~(452)~~154) *Religious use:* A land use and all buildings and structures associated therewith devoted primarily to the purpose of divine worship together with reasonably related accessory uses, which are subordinate to and commonly associated with the primary use, which may include but are not limited to, educational, instructional, social or residential uses.

~~(453)~~155) *Residential in character:* Possessing the architectural features, traits and qualities indicating or constituting those distinguishing attributes of a residence, such as height, bulk, materials, detailing and similar features.

~~(454)~~156) *Right-of-way:* Specific and particularly described land, property, or interest therein devoted to and subject to the lawful use, typically as a thoroughfare of passage of pedestrians, vehicles, or utilities, as officially recorded by the Office of the Marion County Recorder.

~~(455)~~157) *Right-of-way, public:* Specific and particularly described strip of land, property, or interest therein dedicated to and accepted by the municipality to be devoted to and subject to use by the general public for general transportation purposes or conveyance of utilities whether or not in actual fact improved or actually used for such purposes, as officially recorded by the Office of the Marion County Recorder.

~~(456)~~158) *Right-of-way, private:* Specific and particularly described strip of privately held land devoted to and subject to use for general transportation purposes or conveyance of utilities whether or not in actual fact improved or actually used for such purposes, as officially recorded by the Office of the Marion County Recorder.

~~(457)~~159) *Setback:* The minimum horizontal distance established by ordinance between a proposed right-of-way line or a lot line and the setback line. (See Diagram B [not included herein]).

~~(458)~~160) *Setback line:* A line that establishes the minimum distance a building, structure, or portion thereof, can be located from a lot line or proposed right-of-way line. (See Diagram B [not included herein]).

~~(459)~~161) *Shed:* A freestanding, completely enclosed, accessory building, designed and intended for the storage of personal property solely of the occupants of the primary use on the lot. (See also "mini-barn").

~~(460)~~162) *Shrub:* A woody plant of relatively low height branching from the base not exceeding ten (10) to twelve (12) feet in height.

~~(461)~~163) *Side yard:* See "yard, side".

~~(462)~~164) *Sidewalk:* A hard-surfaced walk or raised path and any curb ramps or blended transitions along and paralleling the side of the streets for pedestrians. Sidewalks do not include the curb or gutter structures.

~~(463)~~165) *Single-family dwelling:* See "dwelling, single-family".

~~(464)~~166) *Skirting:* The rigid physical attachments to a mobile dwelling designed and intended to completely screen, shelter, and protect the unit's base and entire area between the unit's floor surface and the ground surface, which includes, but not limited to, all electrical and plumbing conduits, insulation material, and undercarriage.

~~(465)~~167) *Site plan:* The development plan, drawn to scale, for one (1) or more lots on which is shown the existing and proposed location and conditions of the lot as required by ordinance, in order that an informed decision can be made by the approving authority.

~~(466)~~168) *Storage area:* An area designated, designed and intended for the purpose of reserving personal property for a future use and distinguished from areas used for the display of property intended to be sold or leased.

~~(467)~~169) *Storage room:* An enclosed area integrated into and sharing common or party wall or walls within a primary building, while designed and intended for the purpose of reserving personal property for a future use.

~~(468)~~170) *Story*: That part of a building, with an open height of no less than seventy-eight (78) inches, except a mezzanine, included between the upper surface of one (1) floor and the lower surface of the next floor, or if there is no floor above, then the ceiling next above. A basement shall constitute a story only if it provides finished floor area.

~~(469)~~171) *Street, collector*: A street primarily designed and intended to carry vehicular traffic movement at moderate speeds (e.g., thirty-five (35) mph) between local streets, collectors, and arterials with direct access to abutting property(ies). (See Diagram D [not included herein]).

~~(470)~~172) *Street, cul-de-sac*: A street having only one (1) open end and being permanently terminated by a vehicle turn around. (See Diagram D [not included herein]).

(173) Street, eligible public: Pertaining only to sidewalks, that portion of a public street abutting a lot or project, or that portion of a public street between the lot lines extended from which a lot or project gain access.

~~(471)~~174) *Street, expressway*: A street so designated by the Official Thoroughfare Plan for Marion County, as amended, primarily designed and intended to carry and channelize high volumes of vehicular traffic movement at relatively high speeds (e.g., forty-five (45) mph) with partial control of access. The function of an expressway is primarily to move traffic rather than to serve abutting property(ies). Access control on an expressway is characterized by medians, marginal access streets and selective intersection location.

~~(472)~~175) *Street, freeway*: A street so designated by The Official Thoroughfare Plan for Marion County, as amended, primarily designed and intended to carry and channelize high volumes of vehicular traffic movement at high speeds (e.g., fifty-five (55) mph) with full control of access. The primary function of a freeway is the movement of traffic, particularly long trips made within or through the county.

~~(473)~~176) *Street, local*: A street primarily designed and intended to carry low volumes of vehicular traffic movement at low speeds (e.g., twenty (20) to thirty (30) mph) within the immediate geographic area with direct access to abutting property(ies). (See Diagram D [not included herein]).

~~(474)~~176) *Street, marginal access*: A local street with control of access auxiliary to and located on the side of an arterial, thoroughfare, expressway, or freeway for service to abutting property(ies). (See Diagram D [not included herein]).

~~(475)~~178) *Street, parkway*: Any street serving through vehicular traffic and equal to or more than five thousand two hundred eighty (5,280) feet in length, with partial control of access thereto, the adjoining land on one (1) or both sides of which is predominantly dedicated or used for park purposes, and shall conform to the comprehensive plan and thoroughfare plan. Partial control of access to a parkway permits access connections only at street intersections.

~~(476)~~179) *Street, primary arterial*: A street so designated by the Official Thoroughfare Plan for Marion County, as amended, primarily designed and intended to expedite and channelize high volumes of vehicular traffic movement at moderate speeds (e.g., thirty-five (35) to forty-five (45) mph) between arterials, expressways, and freeways with partial control of access. The function of a primary arterial is primarily to move traffic rather than to serve abutting property(ies).

~~(477)~~180) *Street, private*: A privately held right-of-way, with the exception of alleys, essentially open to the sky and open to the general public for the purposes of vehicular and pedestrian travel affording access to abutting property, whether referred to as a street, road, expressway, arterial, thoroughfare, highway, or any other term commonly applied to a right-of-way for said purposes. A private street may be comprised of pavement, shoulders, curbs, sidewalks, parking space, and similar features.

~~(478)~~181) *Street, public*: A publicly dedicated, accepted and maintained right-of-way, with the exception of alleys, essentially open to the sky and open to the general public for the purposes of vehicular and pedestrian travel affording access to abutting property, whether referred to as a street, road, expressway, arterial, thoroughfare, highway, or any other term commonly applied to a public right-of-way for said purposes. A public street may be comprised of pavement, shoulders, gutters, curbs, sidewalks, parking space, and similar features.

~~(479)~~182) *Street, secondary arterial*: A street so designated by The Official Thoroughfare Plan for Marion County, as amended, primarily designed and intended to expedite medium to high volumes of vehicular traffic movement at moderate speeds (e.g., thirty-five (35) to forty-five (45) mph) between collectors, arterials, expressways, freeways, and abutting property(ies) with partial control of access. Secondary arterials carry a higher percentage of short trips than do primary arterials.

~~(480)~~183) *Structural barrier*: A physical structure, such as a fence, wall, or railing, that forms a boundary of, or enclosure to, a property or acts as a division between properties.

~~(484)~~184) *Structure*: A combination or manipulation of materials to form a construction, erection, alteration or affixation for use, occupancy, or ornamentation, whether located or installed on, above, or below the surface of land or water.

~~(482)~~185) *Subdivision*: The division of any parcel of land shown as a unit, as part of a unit or as contiguous units, on the last preceding transfer of ownership thereof, into two (2) or more parcels or lots, for the purpose, whether immediate or future, of transfer of ownership or building development, provided however, that the division of land into parcels of more than three (3) acres, not involving any new streets or easements of access, and the transfer or exchange of parcels between adjoining landowners, if such transfer or exchange does not create additional building lots, shall not constitute a subdivision for purposes of this ordinance.

~~(483)~~186) *Temporary use*: An impermanent land use established for a limited and fixed period of time with the intent to discontinue such use upon the expiration of the time period.

~~(484)~~187) *Terrace*: An open, raised bank or banks of earth having vertical or sloping side(s) and a horizontal top.

~~(485)~~188) *Thoroughfare*: A street primarily serving thorough vehicular traffic, including freeways, expressways, primary thoroughfares, and secondary thoroughfares as designated by the thoroughfare plan.

~~(486)~~189) *Thoroughfare plan*: The applicable segment of the comprehensive or master plan for Marion County, Indiana, adopted by the Metropolitan Development Commission of Marion County, Indiana, pursuant to Chapter 283 of the Acts of the Indiana General Assembly for 1955, and all acts amendatory thereto, which sets forth the location, alignment, dimensions, identification and classification of freeways, expressways, parkways, primary thoroughfares, secondary thoroughfares, or other public ways as a plan for the development, redevelopment, improvement, and extension and revision thereof.

~~(487)~~190) *Through lot*: See "lot, through".

~~(488)~~191) *Total car ratio (TCR)*: The total number of parking spaces divided by the number of dwelling units.

~~(489)~~192) *Total floor area*: The aggregate floor area of all stories of the primary buildings or structures.

~~(490)~~193) *Trash enclosure*: An accessory structure enclosed on all sides, possessing a solid, securable door or gate for access designed and intended to completely screen and protect waste receptacles from view on all sides, and to prevent waste debris from dispersal outside the receptacles or enclosure.

~~(494)~~194) *Tree survey*: An inventory of all trees on a lot or project prior to any site development preparation, identifying species, location, caliper, and drip line of trees.

~~(492)~~195) *Two-family dwelling*: See "dwelling, two-family".

~~(493)~~196) *Uncovered open space*: In D-6, D-6II, D-7, D-8, D-9, D-10, D-11 and D-12 districts: the land area, minus the building area, plus the usable roof area. In D-A, D-S, D-1, D-2, D-3, D-4, D-5, D-5II, D-8, and D-12 districts: The lot area, minus the building area.

~~(194)~~197) *Underground storeroom*: An accessory structure which is at least seventy-five (75) percent subterranean, utilized for storage of personal property or a temporary shelter for people, such as a fallout shelter.

~~(195)~~198) *Unit*: A single, complete entity.

~~(196)~~199) *Usable roof area*: The total roof area, within the project or residential buildings, garages and accessory buildings which has been improved for outdoor uses of occupants. Roof areas used for the storage of automotive vehicles are included.

~~(197)~~200) *Vehicle area*: Uncovered or covered area used for vehicular traffic, maneuvering and parking. Included are all parking areas, driveways, interior access drives and rights-of-way of all streets and alleys within the project, plus the area of half of any abutting alley or street rights-of-way.

~~(198)~~201) *Walkway*: A hard-surfaced walk or raised path for pedestrians.

~~(199)~~202) *Yard, front*: An open space unobstructed to the sky, extending fully across the lot while situated between the front lot line and a line parallel thereto, which passes through the nearest point of any building or structure and terminates at the intersection of any side lot line. (See Diagram B [not included herein]).

~~(200)~~203) *Yard, interior*: An open space unobstructed to the sky, extending fully across the mobile dwelling site while situated between the edge of pavement of the street or interior access drive and a line paralleling thereto, which passes through the nearest point of any building or structure and terminates at the intersection of the individual mobile dwelling site's boundary lines.

~~(201)~~204) *Yard, perimeter*: A required yard of a project, in addition to front, rear and side yards, situated between and extending along the project boundary and an interior line paralleling thereto. The width of said yard shall be determined by the applicable zoning district zoning classification of the ordinance. (See Diagram E [not included herein]).

~~(202)~~205) *Yard, rear*: An open space unobstructed to the sky extending fully across the lot situated between the rear lot line and a parallel thereto which passes through the nearest point of any building or structure and terminates at the intersection of any side lot line. (See Diagram B [not included herein]).

~~(203)~~206) *Yard, side*: An open space unobstructed to the sky extending the length of the lot situated between a side lot line and a line parallel thereto which passes through the nearest point of any building or structure and terminates at the point of contact with any rear or front yards or any lot line, whichever occurs first. (See Diagram B [not included herein]).

SECTION 2. Subsection (b)(15) of Section 731-215 of the "Revised Code of the Consolidated City and County," regarding perimeter sidewalks in the D-11 District of the Dwelling Districts Zoning Ordinances of Marion County, Indiana, hereby is amended by the addition of the language which is underscored, to read as follows:

Section 731-215 D-11 Dwelling District Eleven Regulations.

(b) *D-11 Development Standards.*

(15) Streets and Sidewalks.

- a. Public streets, interior access drives, driveways, and off-street parking areas shall be provided in accordance with section 731-221, Special regulations.
- b. Private interior streets, interior access drives and driveways shall be constructed with curbs and gutters and shall otherwise be provided in accordance with section 731-221, Special regulations.

Provided, however, that private interior streets, private interior access drives and private interior access driveways which have two-way traffic with no parking shall have a minimum pavement width of twenty-four (24) feet, exclusive of curbs or gutters.

- c. Sidewalks shall be installed within each mobile dwelling project in accordance with the following:

1. Sidewalks are required to be installed on one (1) side of a street with an improved width of twenty (20) feet or less and on both sides of a roadway with an improved width of greater than twenty (20) feet.

2. All sidewalks shall be hard-surfaced and shall have a thickness of no less than four (4) inches.

3. Common sidewalks, with a minimum width of three (3) feet, intended to provide pedestrian circulation from one (1) mobile dwelling to another or to various locations throughout the mobile dwelling project shall serve all mobile dwellings and common use areas that front upon or have access from a street improved with curbs and gutters. Such sidewalks shall be located parallel to a street.

4. A hard-surfaced walkway having a minimum width of three (3) feet connecting the mobile dwelling with its off-street parking area shall be provided.

5. In addition to those sidewalks required by this section 731-215(b)(15), sidewalks may be placed so that they bisect a block of mobile dwelling sites in order to provide an interior type of common sidewalk circulation system. Such sidewalks shall not be located on any mobile dwelling site. Such sidewalks shall have a minimum width of three (3) feet and shall have at least a three-foot wide area of open space along the sides of the sidewalk. This sidewalk and open space area may be figured into the required minimum recreational and open space area.

6. A sidewalk with a minimum width of three (3) feet may be provided for access from each mobile dwelling to a street or to a common walkway system.

7. No portion of any parking space shall encroach upon any portion of a sidewalk.

d. Sidewalks shall be provided along all eligible public streets, excepting interstate, expressway, freeway, as indicated in the current Official Thoroughfare Plan for Marion County, Indiana, and other full control of access frontages as determined by the Administrator. Sidewalks shall consist of the walkway and any curb ramps or blended transitions. Sidewalks constructed pursuant to this section shall comply with Sections 731-221(c)(4)a, b, d, and e.

SECTION 3. Subsection (c) of Section 731-221 of the "Revised Code of the Consolidated City and County," regarding sidewalks in the Dwelling Districts Zoning Ordinances of Marion County, Indiana, hereby is amended by the addition of the language which is underscored, to read as follows and to number as needed:

Section 731-221 Special Regulations.

(c) Street Requirements:

(1) *Clear sight triangular area.* The following provisions shall apply to all streets, interior access drives or interior access driveways, whether public or private: All landscape plantings, structural barriers, shrubs, trees, structures or other objects, temporary or permanent, shall permit completely unobstructed vision within a clear sight triangular area between the heights of two and one-half (2 1/2) and nine (9) feet above the crown of the streets, drives, or driveways. A clear sight triangular area shall be established as one of the following (See section 731-102, Diagram F):

- a. On a corner lot, the clear sight triangular area is formed by the street right-of-way lines, the pavement edge of the drives or driveways and the line connecting points twenty-five (25) feet from the intersection of such street right-of-way lines and pavement edge lines; or in the case of a round or cut property corner, from the intersection of the street right-of-way lines and pavement edge lines extended; or,
- b. On a lot adjacent to an at-grade railroad crossing, the clear sight triangular area is formed by the lot line coterminous with the railroad right-of-way, the street

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right-of-way line or pavement edge line, and the line connecting points twenty-five (25) feet from the intersection of such lines; and,

- c. On a lot which has a driveway, abuts an alley or which is next to a lot which has a driveway, the two (2) clear sight triangular areas are formed by the street right-of-way line, both sides of either the alley right-of-way or of the surface edge of the driveway, and the line connecting points ten (10) feet from the intersection of the street right-of-way and driveway or alley lines extended.

(2) *Requirements for public streets.*

- a. All public streets shall be dedicated to the public and improved and constructed in accordance with the standards set forth in the Subdivision Control Ordinance of Marion County, Indiana, and General Ordinance No. 49, 1972, including the Indianapolis Department of Public Works Standards for Street and Bridge Design and Construction.
- b. The right-of-way of all streets within the project, which are indicated on The Official Thoroughfare Plan for Marion County, Indiana, or which have been required by zoning, variance, or platting commitment, condition, covenant or parole covenant, to be constructed to specific standards based upon their proposed functional classification shall be dedicated to the public, or the right-of-way thereof shall be reserved for the future.

(3) *Requirements for all private streets, interior access driveways, and interior access drives for attached multifamily dwelling projects, mobile dwelling projects and planned unit residential developments.*

- a. All private streets, interior access driveways and interior access drives for attached multifamily projects, mobile dwelling projects and planned unit residential developments shall meet the minimum standards for construction, materials for use in construction, and design as specified by the "Standard Specifications," Indiana Department of Transportation (8-17-1-39), the Indiana Department of Transportation Supplemental Specifications, and the Indianapolis department of public works (DPW) Standards for Street and Bridge Design and Construction. In the event DPW specifications conflict with the Indiana Department of Transportation "Standard Specifications," the most stringent specifications shall govern.

The "Standard Specifications" of the Indiana Department of Transportation is incorporated into this ordinance by reference. Two (2) copies of the "Standard Specifications" are on file and available for public inspection in the office of the Division of Development Services.

Provided, however, that the standard specifications incorporated into this ordinance shall be modified as follows:

1. Curbing shall not be required in the development of private streets, private access driveways and private interior access drives for attached multifamily projects.
2. Private interior streets, private interior access drives and private interior access driveways for attached multifamily projects, mobile dwelling projects and planned unit residential developments shall have a minimum width, including gutters, and, if required, curbing, of:

One-way, no parking: Twelve (12) feet.

One-way, parking on one (1) side of the street only: Twenty (20) feet.

Two-way, no parking: Twenty (20) feet.

Two-way, parking on one (1) side only: Twenty-seven (27) feet.

Two-way, parking on both sides of the street: Thirty-six (36) feet.

- b. Private streets, private interior access drives and private interior access driveways shall be privately maintained (not by governmental agencies) in good condition and free of chuckholes, standing water, weeds, dirt, trash and debris.
- c. The owner or project management, homeowners' association or other similar organization shall maintain all sidewalks, pedestrian ways, private streets, interior access drives, interior access driveways and parking areas in good repair and reasonably free of chuckholes, standing water, mud, ice and snow.

(4) Sidewalk Requirements in the D-6, D-6II, D-7, D-8 (Multi-Family Lots), D-9, and D-10 Dwelling Districts. On any lot or project that is not served by either an existing public sidewalk or a public sidewalk alternative authorized by the City of Indianapolis, sidewalks shall be provided in compliance with the following regulations.

a. Placement.

- 1. Sidewalks shall be provided along all eligible public streets, excepting interstate, expressway, freeway, as indicated in the current Official Thoroughfare Plan for Marion County, Indiana, and other full control of access frontages as determined by the Administrator.
- 2. Sidewalks shall extend along the full length of the eligible public street.
- 3. Unless a different location is approved by the Administrator, the sidewalks shall be provided within the public right-of-way, one (1) foot from the right-of-way line.
- 4. Where sidewalks exist in the public right-of-way in front of an adjacent lot and extend to a point equal to the common lot line extended, the sidewalks shall fully connect with such existing sidewalks on the adjacent property to provide a continuous, unobstructed walkway along the public street.

b. Construction.

- 1. Sidewalks shall consist of the walkway and any curb ramps or blended transitions.
- 2. Sidewalks shall meet the Standards for Street and Bridge Design and Construction (G.O. 49, 1972/Standards for Acceptance of Streets and Bridges of the City-County Council of Indianapolis and Marion County, Indiana), as amended.
- 3. Sidewalks constructed to comply with this section shall be a minimum width of five (5) feet, exclusive of the width of any curb. A minimum clear width of four (4) feet shall be provided. The clear width shall be fully unobstructed by utility poles, traffic signs, mailboxes, fire hydrants or other similar items.
- 4. Sidewalks shall be a minimum of four (4) inches in thickness of Portland cement concrete, except where sidewalks cross concrete drives or driveways the thickness shall be a minimum of six (6) inches, conforming to subsection 604 of the current Indiana Department Of Transportation Design Standards and Specifications. Sidewalks along eligible public streets that are identified in the Marion County Greenways Plan, Marion County Comprehensive Plan, or IndyParks Connectivity Plan as a greenway or linear path may be constructed with alternate materials and depth standards as approved by the Administrator.

c. Site Considerations. In locations where site conditions cause extreme difficulty in the construction of sidewalks, the Administrator may, upon written request, waive that portion of sidewalks or reduce the five (5) foot minimum sidewalk to not less than four (4) feet. Examples of extreme difficulty include, but are not limited to, waterway crossings, significant elevation change, existing deep drainage swales in the right-of-way, side slope grades steeper than 3:1, and linear grade changes along the right-of-way line in excess of 7%. The request shall include supporting documentation. The waiver would be pursuant to a written agreement and subject to a contribution in lieu of sidewalks that shall be made to the City for the provision of sidewalks in Marion County. The amount shall be \$18 per linear foot of required sidewalk waived. The rate per linear foot shall be increased by \$0.45 annually beginning January 1, 2009.

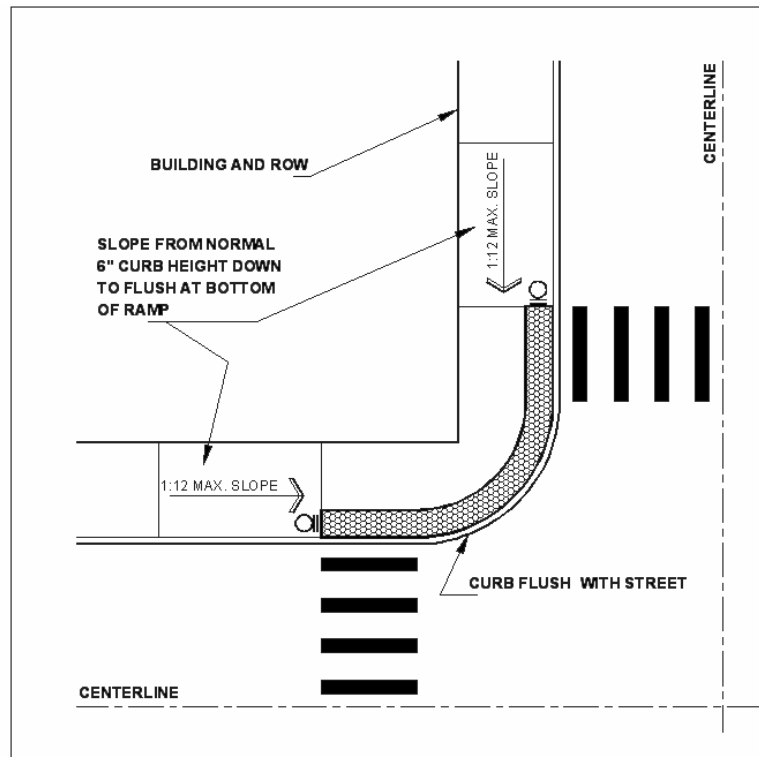
d. Compliance with the Americans with Disabilities Act (ADA). Sidewalks and any alternative pedestrian walkway shall comply with the Americans with Disabilities Act.

Where this ordinance exceeds the Americans with Disabilities Act, any such improvement shall meet or exceed the provision of this ordinance.

- e. Requirements for sidewalks for new development. Sidewalks shall be provided in connection with the initial development of a project when a building is constructed, erected, or relocated. Sidewalks shall be provided for the reconstruction of a project upon which at least 2/3 of all buildings have been removed, demolished, or destroyed.
- f. Internal accessibility for new development. Within a project, walkways shall be provided in accordance with a pedestrian plan that shall include a walkway system that functionally connects all of the building's front entrances with the sidewalk located along the public right-of-way of each of the project's eligible public streets. The walkways may be constructed of asphalt, concrete, pavers, or other materials meeting the Fair Housing Act of 1988 and ADA guidelines. Such private walkways shall provide for identifiable pedestrian crossing treatments along functional pedestrian routes wherever the private walkways cross an interior access drive or interior access driveway. Such internal accessibility shall be (i) subject to the Site Considerations provisions as provided in paragraph c. above, but without any contribution obligation, and (ii) subject to and in accordance with the requirements of the Fair Housing Act of 1988 and ADA.
- g. Requirements for sidewalks for redevelopment or additions. For a lot or project upon which a building on a permanent foundation exists prior to July 1, 2008, and improvements are proposed, sidewalks for the redevelopment or the additions shall be provided in compliance with the following regulations, provided however, in the event of a project with more than 2/3 of its units being complete as of July 1, 2008, the provisions of this ordinance shall not be applicable to all phases of the project:
 - 1. Sidewalks shall be required when a building is constructed, converted to a residential use, erected, enlarged, extended, reconstructed or relocated; except where a building was destroyed or damaged by fire or natural causes or where a building is being rehabilitated and such reconstruction or rehabilitation is on substantially the same foundation and of substantially the same gross floor area.
 - 2. Sidewalks shall be provided at a minimum rate of 5 linear feet of sidewalk per 100 square feet or fraction thereof of the gross floor area of the constructed, converted, erected, enlarged, extended, reconstructed or relocated building or addition. The linear amount of sidewalk required shall not exceed the cumulative length of eligible public streets of the project, excepting interstate, expressway, freeway, as indicated in the current Official Thoroughfare Plan for Marion County, Indiana, and other full control of access frontages as determined by the Administrator.
 - 3. The provision of the sidewalks shall be in accordance with the following options with the first option being preferred:
 - i. Sidewalks shall be constructed; or
 - ii. Pursuant to a written agreement, a contribution in lieu of sidewalks shall be made to the City for the provision of sidewalks in Marion County. The amount shall be \$18 per linear foot of required sidewalk. The rate per linear foot shall be increased by \$0.45 annually beginning January 1, 2009.
 - 4. Where this subsection would result in the partial installation of sidewalks along an eligible public street, the Administrator shall determine the location along the eligible public street where the sidewalks shall be installed. The criteria for the sidewalk location shall be the greatest improvement to the public health, safety, welfare and convenience.
 - 5. The provision of the sidewalks shall be required for each addition to the site until the sidewalk is constructed along all eligible public streets or the equivalent contribution has been made for the sidewalks.

Diagram M in the Dwelling Districts Zoning Ordinance

Blended
Transition



SECTION 4. Subsection (c) of Section 732-214 of the “Revised Code of the Consolidated City and County,” regarding sidewalks in the Commercial Zoning Ordinances of Marion County, Indiana, hereby is amended by the addition of the language which is underscored, to read as follows and to number as needed:

Section 732-214 Special Regulations

(c) Street Requirements:

(1) Clear sight triangular area. The following provisions shall apply to all streets, whether public or private: All landscape plantings, structural barriers, shrubs, trees, structures or other objects, temporary or permanent, shall permit completely unobstructed vision within a clear sight triangular area between the heights of two and one-half (2 1/2) and nine (9) feet above the crown of the streets, drives, or driveways. A clear sight triangular area shall be established as one (1) of the following (see section 732-217, Diagram E):

- a. On a corner lot, the clear sight triangular area is formed by the street right-of-way lines, the pavement edge of the drives or driveways and the line connecting points twenty-five (25) feet from the intersection of such street right-of-way lines and pavement edge lines; or in the case of a round or cut property corner, from the intersection of the street right-of-way lines and pavement edge lines extended; or
- b. On a lot adjacent to an at-grade railroad crossing, the clear sight triangular area is formed by the lot line coterminous with the railroad right-of-way, the street right-of-way line or pavement edge line, and the line connecting points twenty-five (25) feet from the intersection of such lines; or
- c. On a lot which has a driveway, abuts an alley or which is next to a lot which has a driveway, the two (2) clear sight triangular areas are formed by the street right-of-way line, both sides of either the alley right-of-way or of the surface edge of the driveway, and

the line connecting points ten (10) feet from the intersection of the street right-of-way line and driveway or alley lines extended.

(2) *Requirements for public streets.*

- a. All public streets shall be dedicated to the public, accepted for public maintenance by the Department of Public Works, and improved and constructed in accordance with the standards required by the Department of Public Works Standards for Street and Bridge Design and Construction, or as approved by the director of the Department of Public Works.
- b. The right-of-way of any streets within an integrated center which are indicated on the Official Thoroughfare Plan for Marion County, Indiana, or which has been required by zoning, variance, or platting commitment, condition or covenant to be developed as public streets, is to be constructed to specific standards based upon their proposed functional classification and shall be dedicated to the public, or the right-of-way thereof shall be reserved for the future.

(3) *Requirements for private streets, driveways, interior access driveways and interior access drives:*

- a. All private streets, driveways, interior access driveways and interior access drives shall meet the minimum standards for construction, materials or use in construction and design as specified by the "Standard Specifications," Indiana Department of Transportation (8-17-1-39), 1988 Edition, the Indiana Department of Transportation Supplemental Specifications, and the Indianapolis Department of Public Works (DPW) Standards for Street and Bridge Design and Construction. In the event DPW specifications conflict with the IDOT Standard Specifications, the most stringent specifications shall govern.

The "Standard Specifications" of the IDOT are incorporated into this chapter by reference. Two (2) copies of the "Standard Specifications" are on file and available for public inspection in the office of the division of planning.

Provided, however, that the standard specifications incorporated into this chapter shall be modified as follows:

Private interior streets, private interior access drives and private interior access driveways shall have a minimum width, including gutters, curbing, and off-street parallel parking spaces, if provided, of:

One-way, no parking: Twelve (12) feet

One-way, parallel parking on one (1) side of the street only: Twenty (20) feet

Two-way, no parking: Twenty (20) feet

Two-way, parallel parking on one (1) side of the street only: Twenty-seven (27) feet

Two-way, parallel parking on both sides of the street: Thirty-six (36) feet

- b. Private streets, interior access drives and interior access driveways shall be privately maintained (not by governmental agencies) in good condition and free of chuckholes, standing water, weeds, dirt, trash and debris.
- c. Interior access drives and driveways shall be designed and maintained with sufficient width to provide for the passage of emergency vehicles at all times.
- d. Private streets, interior access drives and interior access driveways within any commercial zoning district may be used to provide ingress and egress to any other commercial zoning district and to any other zoning district having a less intense use, which would include all protected districts.

(4) *Sidewalk Requirements in the C-1, C-2, C-3, C-3C, C-4, C-5, C-6, C-7, and C-ID Districts. On any freestanding lot or integrated center that is not served by either an existing*

public sidewalk or a public sidewalk alternative authorized by the City of Indianapolis, sidewalks shall be provided in compliance with the following regulations.

a. Placement.

1. Sidewalks shall be provided along all abutting eligible public streets, excepting interstate, expressway, freeway, as indicated in the current Official Thoroughfare Plan for Marion County, Indiana, and other full control of access frontages as determined by the Administrator.
2. Sidewalks shall extend along the full length of the freestanding lot or integrated center's eligible public streets.
3. Unless a different location is approved by the Administrator, the sidewalks shall be provided within the public right-of-way, one (1) foot from the right-of-way line.
4. Where sidewalks exist in the public right-of-way in front of an adjacent lot and extend to a point equal to the common lot line extended, the sidewalks shall fully connect with such existing sidewalks on the adjacent property to provide a continuous, unobstructed walkway along the public street.

b. Construction.

1. Sidewalks shall consist of the walkway and any curb ramps or blended transitions.
2. Sidewalks shall meet the Standards for Street and Bridge Design and Construction (G.O. 49, 1972/Standards for Acceptance of Streets and Bridges of the City-County Council of Indianapolis and Marion County, Indiana), as amended.
3. Sidewalks constructed to comply with this section shall be a minimum width of five (5) feet, exclusive of the width of any curb. A minimum clear width of four (4) feet shall be provided. The clear width shall be fully unobstructed by utility poles, traffic signs, mailboxes, fire hydrants or other similar items.
4. Sidewalks shall be a minimum of four (4) inches in thickness of Portland cement concrete, except where sidewalks cross concrete drives or driveways the thickness shall be a minimum of six (6) inches, conforming to subsection 604 of the current Indiana Department of Transportation Design Standards and Specifications. Sidewalks along frontages that are identified in the Marion County Greenways Plan, Marion County Comprehensive Plan, or IndyParks Connectivity Plan as a greenway or linear path may be constructed with alternate materials and depth standards as approved by the Administrator.

c. Site Considerations. In locations where site conditions cause extreme difficulty in the construction of sidewalks, the Administrator may, upon written request, waive that portion of sidewalks. Examples of extreme difficulty include, but not limited to, waterway crossings, significant elevation change, existing deep drainage swales in the right-of-way, and grades steeper than 3:1. The request shall include supporting documentation. The waiver would be pursuant to a written agreement and subject to a contribution in lieu of sidewalks that shall be made to the City for the provision of sidewalks in Marion County. The amount shall be \$25 per linear foot of required sidewalk waived. The rate per linear foot shall be increased by \$0.60 annually beginning January 1, 2009.

d. Compliance with the Americans with Disabilities Act (ADA). Sidewalks and any alternative pedestrian walkway shall comply with the Americans with Disabilities Act. Where this ordinance exceeds the Americans with Disabilities Act, any such improvement shall meet or exceed the provision of this ordinance.

e. Requirements for sidewalks for new development. Sidewalks shall be provided in connection with the initial development of a freestanding lot or integrated center upon which a structure is constructed, erected, or relocated. Sidewalks shall be provided for the reconstruction of a freestanding lot or integrated center upon which at least 2/3 of all buildings have been removed, demolished, or destroyed.

- f. Internal accessibility for new development. Within a freestanding lot or integrated center, walkways shall be provided in accordance with a pedestrian plan that shall include a walkway system that functionally connects all of the building's front entrances with the sidewalk located in the public right-of-way of each of the freestanding lot or integrated center's eligible public streets. The walkways may be constructed of asphalt, concrete, pavers, or other materials meeting ADA guidelines. Such private walkways shall provide for identifiable pedestrian crossing treatments along functional pedestrian routes wherever the private walkways cross an interior access drive or interior access driveway.
 - g. Requirements for sidewalks for redevelopment or additions. When improvements are proposed for:

 - (i) a freestanding lot or integrated center upon which a building on a permanent foundation exists prior to July 1, 2008; or,
 - (ii) a lot upon which no building exists and is located within an integrated center upon which a building on a permanent foundation existed prior to July 1, 2008,

sidewalks for the redevelopment or the additions shall be provided in compliance with the following regulations:

 - 1. Sidewalks shall be required when a building is constructed, erected, enlarged, extended, reconstructed, relocated or converted to a commercial use, except a building that was destroyed or damaged by fire or natural causes and is reconstructed on substantially the same foundation and of substantially the same gross floor area.
 - 2. Sidewalks shall be provided at a minimum rate of 5 linear feet of sidewalk per 100 square feet or fraction thereof of the gross floor area of the constructed, erected, enlarged, extended, reconstructed, converted to a commercial use, or relocated building or addition. The linear amount of sidewalk required shall not exceed the cumulative length of the eligible public streets of the freestanding lot or integrated center, excepting interstate, expressway, freeway, as indicated in the current Official Thoroughfare Plan for Marion County, Indiana, and other full control of access frontages as determined by the Administrator.
 - 3. The provision of the sidewalks shall be in accordance with the following options with the first option being preferred:

 - i. Sidewalks shall be constructed; or
 - ii. Pursuant to a written agreement, a contribution in lieu of sidewalks shall be made to the City for the provision of sidewalks in Marion County. The amount shall be \$25 per linear foot of required sidewalk. The rate per linear foot shall be increased by \$0.60 annually beginning January 1, 2009.
 - 4. Where this subsection would result in the partial installation of sidewalks along an eligible public street, the Administrator shall determine the location along the eligible public street where the sidewalks shall be installed. The criteria for the sidewalk location shall be the greatest improvement to the public health, safety, welfare and convenience.
 - 5. The provision of the sidewalks shall be required for each addition to the site until the sidewalks are constructed along all eligible frontages or the equivalent contribution has been made for the sidewalks.
- (5) Sidewalks in the C-S District. Pedestrian accessibility shall be provided along all eligible public streets in accordance with the site and development plan approved with the adoption of the C-S district and the following regulations. If the adopted C-S site and development plan fails to specify pedestrian accessibility, sidewalks shall be provided in accordance with the provisions of Section 732-214(c)(4).**
- a. Pedestrian Accessibility shall be provided along eligible public streets and to available public transit. The pedestrian accessibility may be sidewalks, paths, trails, or combination thereof. Prior to the approval of a path or trail, documentary assurances shall be filed indicating that the path or trail shall be provided with regular maintenance and repair.

including, but not limited to surface, subgrade, subsurface drainage, trailside drainage, lights, signs, traffic control signs, and traffic control signals, as applicable, and that this maintenance obligation shall be met by the adjoining property owner in perpetuity. Such documentary assurances shall be recorded in the Office of the Recorder of Marion County, Indiana, or otherwise provided for through legally binding perpetual agreements as approved by the Administrator.

- b. Internal accessibility. Within a lot or integrated center, walkways shall be provided in accordance with a pedestrian plan that shall include a walkway system that functionally connects all of the building's main front entrances with the sidewalk located in the public right-of-way of each of the lot or integrated center's eligible public streets. The walkways may be constructed of asphalt, concrete, pavers, or other materials meeting ADA guidelines. Such private walkways shall provide for identifiable pedestrian crossing treatments along functional pedestrian routes wherever the private walkways cross an interior access drive or interior access driveway.
- c. Compliance with the Americans with Disabilities Act (ADA). Sidewalks and any alternative pedestrian walkway shall comply with the Americans with Disabilities Act. Where this ordinance exceeds the Americans with Disabilities Act, any such improvement shall meet or exceed the provision of this ordinance.

SECTION 5. Subsection (b) of Section 732-217 of the "Revised Code of the Consolidated City and County," regarding definitions and diagrams in the Commercial Zoning Ordinances of Marion County, Indiana, hereby is amended by the deletion of the language that is stricken-through and by the addition of the language which is underscored, to read as follows and to number as needed:

Section 732-217 Construction Of Language And Definitions

(b) *Definitions.* The words in the text or illustrations of this chapter shall be interpreted in accordance with the following definitions. The illustrations and diagrams in this section provide graphic representation of the concept of a definition; the illustration or diagram is not to be construed or interpreted as a definition itself.

Access. The way by which vehicles shall have ingress to and egress from a land parcel or property and the street fronting along such property or parcel.

Access drive. That area within the right-of-way between the pavement edge or curb and the right-of-way line providing ingress and egress to and from a land parcel or property (see Diagram A).

Accessory. A subordinate structure, building or use that is customarily associated with, and is appropriately and clearly incidental and subordinate in use, size, bulk, area and height to the primary structure, building, and use, and is located on the same lot as the primary building, structure, or use.

Administrator. Administrator of the division of planning of the department of metropolitan development or his/her appointed representative.

Adult bookstore. An establishment having at least twenty-five (25) percent of its:

- (1) Retail floor space used for the display of adult products; or
- (2) Stock in trade consisting of adult products; or
- (3) Weekly revenue derived from adult products.

For purposes of this definition, the phrase adult products means books, magazines, periodicals or other printed matter, or photographs, films, motion pictures, video cassettes, slides, tapes, records or other forms of visual or audio representations which are distinguished or characterized by their emphasis on matter depicting, describing or relating to specified sexual activities or specified anatomical areas. For purposes of this definition, the phrase adult products also means a device designed or marketed as useful primarily for the stimulation of human genital organs, or for sadomasochistic use or abuse. Such devices shall include, but are not limited to, phallic shaped vibrators, dildos, muzzles, whips, chains, bather restraints, racks, non-medical enema kits, body piercing implements (excluding earrings or other decorative jewelry) or other tools of sado-masochistic abuse.

Adult cabaret. A nightclub, bar, theatre, restaurant or similar establishment that regularly features:

- (1) Live performances by topless or bottomless dancers, go-go dancers, exotic dancers, strippers, or similar entertainers, where such performances are distinguished or characterized by an emphasis on specified sexual activities or by exposure of specified anatomical areas;
- (2) Films, motion pictures, video cassettes, slides or other photographic reproductions which are distinguished or characterized by an emphasis upon the depiction or description of specified sexual activities or specified anatomical areas for observation by patrons;
- (3) Persons who appear in a state of nudity or semi-nudity as defined in Chapter 807, Article I of this Code; or
- (4) Persons who engage in erotic dancing or performances that are intended for the sexual interests or titillation of an audience or customer.

Adult drive-in theatre. An open lot or part thereof, with appurtenant facilities, devoted primarily to the presentation of motion pictures, films, theatrical productions, and other forms of visual productions, for any form of consideration, to persons in motor vehicles or on outdoor seats in which a preponderance of the total presentation time is devoted to the showing of materials distinguished or characterized by an emphasis on matter depicting, describing or relating to specified sexual activities or specified anatomical areas for observation by patrons.

Adult entertainment business. An adult bookstore, adult motion picture theatre, adult mini motion picture theatre, adult motion picture arcade, adult cabaret, adult drive-in theatre, adult live entertainment arcade or adult services establishment.

Adult live entertainment arcade. Any building or structure which contains or is used for commercial entertainment where the patron directly or indirectly is charged a fee to view from an enclosed or screened area or booth a series of live dance routines, strip performances or other gyrational choreography, which performances are distinguished or characterized by an emphasis on specified sexual activities or by exposure to specified anatomical areas.

Adult mini motion picture theatre. An enclosed building with a capacity of more than five (5) but less than fifty (50) persons, used for presenting films, motion pictures, video cassettes, slides or similar photographic reproductions in which a preponderance of the total presentation time is devoted to the showing of materials which are distinguished or characterized by an emphasis on matter depicting, describing, or relating to specified sexual activities or specified anatomical areas for observation by patrons therein.

Adult motel. A hotel, motel or similar establishment offering public accommodations for any form of consideration that offers a sleeping room for rent for a period of time that is less than ten (10) hours or allows a tenant or occupant of a sleeping room to sub-rent the room for a period of time that is less than ten (10) hours, and that provides patrons, upon request, with closed-circuit television transmissions, films, motion pictures, video cassettes, slides or other photographic reproductions which are distinguished or characterized by an emphasis upon the depiction or description of specified sexual activities or specified anatomical areas.

Adult motion picture arcade. Any place to which the public is permitted or invited wherein coin- or slug-operated or electronically, electrically or mechanically controlled still or motion picture machines, projectors or other image-producing devices are maintained to show images to five (5) or fewer persons per machine at any one (1) time, and where the images so displayed are distinguished or characterized by an emphasis on depicting or describing specified sexual activities or specified anatomical areas.

Adult motion picture theatre. An enclosed building with a capacity of fifty (50) or more persons used for presenting films, motion pictures, video cassettes, slides or similar photographic reproductions in which a preponderance of the total presentation time is devoted to showing of materials which are distinguished or characterized by an emphasis on matter depicting, describing or relating to specified sexual activities or specified anatomical areas for observation by patrons therein.

Adult service establishment. Any building, premises, structure or other facility, or part thereof, under common ownership or control which provides a preponderance of services involving specified sexual activities or display of specified anatomical areas.

Alley. Any public right-of-way which has been dedicated or deeded to and accepted by the public for public use as a secondary means of public *access* to a lot(s) otherwise abutting upon a public street and not intended for traffic other than public services and circulation to and from such lot(s).

Alteration. Any change in type of occupancy, or any change, addition or modification in construction of the structural members of an existing structure, such as walls, or partitions, columns, beams or girders, as well as any change in doors or windows or any enlargement to or diminution of a structure, whether it be horizontally or vertically.

Amusement arcade. A type of indoor commercial amusement/recreation establishment where more than four (4) amusement machines are available to the public.

Amusement machine. An amusement device operated by means of the insertion of a coin, token, or similar object for the purpose of entertainment, amusement or skill and for the playing of which a fee is charged. "Amusement machine" does not include vending machines which do not incorporate gaming amusement or skill features, nor does the term include any coin-operated mechanical musical device.

Amusement/recreational establishment, commercial. See (indoor/outdoor) commercial amusement/recreational establishment.

Assisted living facility. A residential facility that provides a combination of housing, social activity, supportive services, personalized assistance, and health care, designed to foster independent living, yet respond to the individual needs of those who need help with activities of daily living (ADL - For purposes of this definition this means such activities as walking, eating, dressing, bathing, toileting, and transfer between, or in and out of a chair or bed) and instrumental activities of daily living (IADL - For purposes of this definition this means activities such as doing laundry, cleaning of living areas, meal preparation, engaging in recreational or leisure activities, taking medications properly, managing money and conducting business affairs, using public transportation, writing letters, or using the telephone). Supportive services are available twenty-four (24) hours a day to meet scheduled and unscheduled needs of residents. Such facilities are not licensed as a nursing home. Facilities have single- or double-occupancy living units which contain most dwelling unit features, such as lockable units, a food preparation area, and a full bathroom facility.

Attached multifamily dwelling. See dwelling, attached multifamily.

Automated teller machine (ATM). A mechanized apparatus which performs limited banking functions for customers such as deposits, withdrawals and transfers of funds upon insertion of a customer identification card, password, or similar device.

Awning. A roof-like cover, often of fabric, metal, plastic, fiberglass or glass, designed and intended for protection from the weather or as a decorative embellishment, and which is supported and projects from a wall or roof of a structure over a window, walk, door, or the like.

Basement. That portion of a building with an interior vertical height clearance of not less than seventy-eight (78) inches and having one-half (1/2) or more of its interior vertical height clearance below grade level.

Bed and breakfast. The commercial leasing of no more than four (4) bedrooms(s) for no more than eight (8) guest(s) within a private dwelling unit. Such leasing provides temporary accommodations, typically including a morning meal, to overnight guests for a fee.

Blended transitions. A connection with a grade of five (5) percent or less between the level of the pedestrian walkway and the level of the crosswalk. (See Diagram N.)

Boardinghouse. A building, other than hotels, motels, bed and breakfasts or multifamily dwelling, containing accommodation facilities in common for up to ten (10) persons where lodging, typically with meals, reserved solely for the occupants thereof, is provided for a fee.

Buildable area. The area of a lot remaining after the minimum yard and open space requirements of the applicable zoning ordinance(s) have been met (see Diagram B).

Building. Any structure designed or intended for the support, enclosure, shelter, or protection of persons, animals, or property of any kind, having a permanent roof supported by columns or walls.

Building area. The total ground area, within the lot or project, covered by the primary structure plus garages, carports and other accessory buildings. The ground area of a structure, or portion thereof,

not provided with surrounding exterior walls shall be the area immediately under the vertical projection of the roof or the floor above (see Diagram B).

Canopy. A roof-like cover, often of fabric, metal, plastic, fiberglass, or glass on a support, which is supported in total or in part from the ground, providing shelter over, for example, a doorway, outside walk or parking area.

Collector street. See street, collector.

Commercial garage. See garage, commercial.

Commission. The Metropolitan Development Commission of Marion County, Indiana.

Commitment. An official agreement concerning and running with the land as recorded in the Office of the Marion County Recorder.

Community center. A building used for recreational, social, educational and cultural activities of a neighborhood or community.

Comprehensive plan. The Comprehensive Plan for Marion County, Indiana, or segment thereof, adopted by the Metropolitan Development Commission of Marion County, Indiana, pursuant to IC 36-7-4.

Condition. An official agreement between the municipality and the petitioner concerning the use or development of the land as imposed by the Board of Zoning Appeals.

Convenience market. A retail establishment selling a limited number of food items, such as sandwiches, snacks, staple groceries, household items, lottery tickets and food items prepared on the premises, including reheating, which can be immediately consumed. Such establishments may also provide a facility where gasoline and other motor fuels are stored and subsequently dispensed by use of fixed, approved dispensing equipment by customers of the establishment on a self-service basis.

Corner lot. See lot, corner.

Covenant. A legal agreement concerning the use of land.

Crown of the street. The highest point, most often at the centerline, of a street cross-section of the street *pavement* between the existing curb lines.

Cul-de-sac. See street, cul-de-sac.

Curb cut. The opening along the curb line, exclusive of handicap ramps, at which point vehicles may enter or leave the street (see Diagram A).

Curb line. A line located on either edge of the pavement, but within the right-of-way line (see Diagram A).

Curb ramps. A perpendicular or parallel ramp and its landing that cuts through or is built up to the curb.

Customer service window. Opening on the exterior of a building through which customers receive goods or services in exchange for monetary compensation.

Dance studio. An establishment primarily engaged in operating and providing training, instruction, and demonstrations or recitals in various forms of dance to individuals or groups.

Day care center. Any institution or place operated for the purpose of providing:

- (1) Care;
- (2) Maintenance; or
- (3) Supervision and instruction;

to children who are less than six (6) years old and are separated from their parent(s), guardian, or custodian for more than four (4) hours but less than twenty-four (24) hours a day for ten (10) or more

consecutive workdays, where tuition, fees or other forms of compensation are charged, and which is licensed by, and approved to operate as a day care center in accordance with the requirements of the State of Indiana. This definition shall not include a "day care home" of children.

Day care home. Defined in IC 12-3-2-3 as follows: A residential structure where an individual provides child care:

- (1) For compensation;
- (2) For more than four (4) hours but less than twenty-four (24) hours in each of ten (10) consecutive days per year, excluding holidays; and
- (3) To more than five (5) children at a time who:
 - a. Are less than eleven (11) years of age; and
 - b. Are not attended by:
 1. A parent;
 2. A stepparent;
 3. A guardian;
 4. A custodian; or
 5. A relative who is at least eighteen (18) years of age.

Day nursery. Same as day care center.

Display, outdoor. An outdoor area where merchandise is displayed for sale, and which is freely accessible to the public except that automobile retail sales areas shall be considered outdoor display areas whether freely accessible or not. Outdoor display may be the principal use of a lot or may be *accessory* to a commercial use (as allowed by the zoning district) when the sales transactions occur within a *structure*.

Dripline. The perimeter of a tree's spread measured to the outermost tips of the branches and extending downward to the ground.

Drive-in. A business establishment so developed that its retail or service character is dependant on providing a driveway approach or parking *spaces* for motor vehicles to service patrons while in or on the motor vehicle, rather than within a building.

Drive-through. A feature of an establishment which encourages or permits customers to receive services or obtain goods while remaining in or on a motor vehicle.

Drive-through customer window. See customer service window.

Drive-through restaurant. See restaurant, drive-through.

Driveway. Access for vehicular movement to egress/ingress between the right-of-way of private or public streets and the required building setback line (see Diagram A).

Dry cleaning plant. A facility in which the cleaning of garments, fabrics, draperies, etc., is performed with a liquid other than water. The plant is generally not visited by individual customers, but rather by individual dry cleaning dropoff establishments.

Dwelling, attached multifamily. A building or buildings for residential purposes with three (3) or more dwelling units, having common or party wall or walls, on a single lot. Each unit is totally separated from the other by an unpierced wall extending from ground to roof or an unpierced ceiling and floor extending from exterior wall to exterior wall, except for a common or individual stairwell(s) exterior to any dwelling unit(s).

Dwelling unit. One (1) or more rooms connected together in a residential building or residential portion of a building, which are arranged, designed, used and intended for use by one (1) or more human beings living together as a family and maintaining a common household for owner occupancy or rental or

lease on a weekly, monthly, or longer basis; and which includes lawful cooking, eating, sleeping space and sanitary facilities reserved solely for the occupants thereof.

Educational services. An establishment providing academic or technical instruction or primarily engaged in offering educational courses and services, including libraries, student exchange programs and curriculum development.

Enlargement (pertaining to adult entertainment only). An increase in the size of the building, structure or premises in which the adult entertainment business is conducted by either construction or use of an adjacent *building* or any portion thereof whether located on the same or an adjacent lot or parcel of land.

Erect. Activity of constructing, building, raising, assembling, placing, affixing, attaching, creating, or any other way of bringing into being or establishing.

Establishing an adult entertainment business. Shall mean and include any of the following:

- (1) The opening or commencement of any such business as a new business;
- (2) The conversion of an existing business, whether or not an adult entertainment business, to any of the adult entertainment businesses defined herein;
- (3) The relocation of any such business.

Excavation. The breaking of ground, except common household gardening, ground care and agricultural activity.

Family. One (1) or more human beings related by blood, marriage, adoption, or guardianship together with incidental domestic servants and temporary noncompensating guests; or not more than four (4) human beings not so related, occupying a dwelling unit and living as a single housekeeping unit.

Fast food restaurant. See restaurant, fast food.

Floor area, gross. The number of the square feet of horizontal floor area of a building measured from the exterior faces of the exterior walls or from the centerline of walls separating two (2) abutting buildings.

Front lot line. See lot line, front.

Front yard. See yard, front.

Frontage (street frontage). The line of contact of a property with the street right-of-way along a lot line which allows unobstructed, direct access to the property.

Full control of access. The condition where the right of the owner(s) or occupant(s) of abutting property(ies), or of other persons, to access said property(ies), including the location and connection with public streets, is controlled by public authority. Full control of access gives preference to through vehicular traffic movement, by providing access connections with selected public streets only, by limiting crossings at grade and by prohibiting direct driveway connections. Such frontages include, but are not limited to, the frontages along: Binford Boulevard; North Shadeland Avenue between 48th Street to the Fall Creek waterway; and North Keystone Avenue between Woodfield Crossing Boulevard and 96th Street.

Garage, commercial. Any building designed and intended for the storage or repair of motor vehicles for compensation.

Gasoline service station. Any building, land area or other premises or portion thereof, used or intended to be used for the retail dispensing or sales of vehicular fuels; which may include as an *accessory* use minor automotive repairs; the sale and installation of lubricants, tires, batteries; car washes; and similar *accessory* uses. Such establishments shall provide a facility where gasoline and other motor fuels are stored and subsequently dispensed by use of fixed, approved dispensing equipment by customers or employees.

Grade, established street. The crown elevation of a street pavement level abutting a property (as fixed by the Department of Public Works).

Grade level (adjacent ground elevation). The lowest point of elevation of the finished surface of the ground, paving or sidewalk and similar surface improvements within the area between the exterior walls of a primary building or structure and the property line, or when the property line is more than ten (10) feet from such walls, between such walls and a line ten (10) feet away from and paralleling such walls.

Grocery store. A commercial establishment, commonly known as a supermarket, food or grocery store, primarily engaged in the retail sale of canned foods and dry goods, such as tea, coffee, spices, sugar, and flour; fresh fruits and vegetables; and fresh and prepared meats, fish and poultry.

Gross floor area. See floor area, gross.

Gross floor area, total. The sum of the gross horizontal areas of all floors below the roof and within the exterior faces of the exterior walls of principal and accessory buildings or the centerlines of walls separating two (2) abutting buildings.

Gross leasable area. The total floor area which is designed for the tenant's occupancy and exclusive use.

Ground cover. Low-growing plants less than eighteen (18) inches in height with a spreading growth habit, such as grasses, vines, flowers, and the like.

Ground floor. That story which contains finished floor area closest to, but not below, grade level. In cases in which the only *story* with finished floor area is below grade level, that story with finished floor area closest to grade level shall be considered the ground floor.

Handicap ramp. See pedestrian ramp.

Hardsurfaced. Quality of an outer area being solidly constructed of pavement, brick, paving stone, or a combination thereof.

Hardware store. A commercial establishment primarily engaged in the retail sale of a number of basic hardware lines, such as tools, builders' hardware, paint and glass, housewares and household appliances, and cutlery.

Health care facility. A facility or institution, principally engaged in providing services for health maintenance, diagnosis or treatment of human disease, pain, injury, deformity or physical condition.

Health services. Medical, surgical or other similar services provided to individuals, including services provided by physicians, dentists, and other health practitioners, medical and dental laboratories, outpatient care facilities or blood banks.

Hedge. A row or rows of closely planted shrubs, bushes, etc., creating a vegetative barrier.

Height, building. The vertical distance above a reference line measured to the highest point of the coping of a flat roof or to the deck line of a mansard roof or to the height of the highest gable of a pitched or hipped roof. The reference line shall be selected by either of the following, whichever yields a greater building height:

- (1) The elevation of the highest adjoining sidewalk or ground surface within a ten-foot horizontal distance from and paralleling the exterior wall of the building or structure when such sidewalk or ground surface is not more than ten (10) feet above lowest grade;
- (2) An elevation ten (10) feet higher than the lowest grade when such sidewalk or ground surface is more than ten (10) feet above the lowest grade.

Home improvement store/center. A facility for the sale of home, lawn, and garden materials and supplies, brick, lumber, hardware items and other similar materials.

Hotel. Any building or group of buildings containing five (5) or more rooms without direct *access* to the outside, designed or intended to be occupied for sleeping purposes by guests for a fee, often with general kitchen and dining room facilities provided within the building or an accessory building, and which caters to the traveling public.

Indoor commercial amusement/recreation establishment. A facility wholly enclosed in a building that offers entertainment or games of skill to the general public for a fee. This includes but is not limited to such facilities as bowling alleys, billiard parlors, or arcades.

Inoperable vehicle means:

- (1) A motor vehicle, racing vehicle, recreational vehicle, trailer, camper, boat, airplane, bus, truck, or similar vehicle from which there has been removed engine, transmission or differential parts or that is otherwise partially dismantled or mechanically inoperable; or
- (2) Any motor vehicle, racing vehicle, recreational vehicle, trailer, camper, boat, airplane, bus, truck, or similar vehicle, which cannot be driven, towed or hauled on a city street without being subject to the issuance of a traffic citation by reason of its operating condition or the lack of a valid license plate.

Integrated center. An area of development (commercial, industrial or any combination of commercial, industrial and residential uses) of one (1) or more lots, comprised of:

- (1) A number of individual, nonrelated and separately operated uses in one (1) building sharing common-site facilities; or
- (2) One (1) or more buildings containing nonrelated and separately operated uses occupying a common-site, which utilize one (1) or a combination of common-site facilities, such as driveway entrances, parking areas, driving lanes, signs, maintenance and similar common services; or
- (3) One (1) or more buildings containing unrelated and separately operated uses occupying individual sites, which are interrelated by the utilization of one (1) or a combination of common facilities, such as driveway entrances, public or private street network, parking areas, maintenance and other services.

Interior access drive. A minor, ~~private street~~ roadway for vehicular movement providing access within the boundaries of a project beginning at the required setback line (see Diagram A).

Interior access driveway. Access for vehicular movement to egress/ingress between interior access drives connecting two (2) or more projects or land parcels (see Diagram A).

Job printer. A facility for the commercial reproduction, cutting, printing, or binding of written materials, drawings, or labels on a bulk basis using lithography, offset printing, blueprinting and similar methods.

Landscaping. Any combination of living plants, such as trees, shrubs, ground cover, thickets with grasses planted, preserved, transplanted, maintained to develop, articulate and enhance the aesthetic quality of the area as well as provide erosion and drainage control and wind protection.

Landscaping, interior. Landscaping areas consisting of a combination of trees, shrubs and ground cover located in the interior of vehicular use areas so as to provide visual and climatic relief from broad expanses of pavement and to channelize and define areas for pedestrians and vehicular circulation.

Legally established nonconforming building or structure. Any continuous, lawfully established building or structure erected or constructed prior to the time of adoption, revision or amendment, or granted a variance of the zoning ordinance, but which fails, by reason of such adoption, revision, amendment or variance, to conform to the present requirements of the zoning district.

Legally established nonconforming use. Any continuous, lawful land use having commenced prior to the time of adoption, revision or amendment or granted a variance of the zoning ordinance, but which fails, by reason of such adoption, revision, amendment, or variance to conform to the present requirements of the zoning district.

Liquor store, package. A facility principally for the retail sale of alcoholic beverages for off-premises consumption.

Loading area. An off-street area maintained and intended for the maneuvering and temporary parking of vehicles while transferring goods or materials to and from a facility.

Loading space. An off-street space or berth used for the temporary parking of a commercial vehicle while transferring goods or materials to and from a facility.

Local street. See street, local.

Lot. A tract of land designated by its owner(s) to be used or developed as a unit under single ownership or control. A lot may or may not coincide with a lot of record and may consist of:

- (1) A single lot of record;
- (2) A portion of a lot of record; or
- (3) A combination of complete lots of record, or complete lots of record and portions of lots of record, or of portions of lots of record.

For purposes of this definition, ownership includes:

- (1) The person(s) who holds either fee simple title to the property or is a life tenant as disclosed in the records of the township assessor;
- (2) A contract vendee;
- (3) A long-term lessee (but only if the lease is recorded among the records of the county recorder and has at least twenty-five (25) years remaining before its expiration at the time of applying for a permit) (see Diagram C).

Lot area. The area of a horizontal plane bounded on all sides by the front, rear, and side lot lines that is available for use or development and does not include any area lying within the right-of-way of any public or private street, alley, or easement for surface access (ingress or egress) into the subject lot or adjoining lots.

Lot, corner. A lot abutting upon two (2) or more streets at their intersections, or upon two (2) parts of the same street forming an interior angle of less than one hundred thirty-five (135) degrees (see Diagram C).

Lot, freestanding. A lot that is not located in or a part of an integrated center.

Lot, through. A lot abutting two (2) parallel streets, or abutting two (2) streets which do not intersect at the boundaries of the lot (see Diagram C).

Lot line. The legal boundary of a lot as recorded in the Office of the Marion County Recorder.

Lot line, front. The lot line(s) coinciding with the street rights-of-way; in the case of a corner lot, both lot lines coinciding with the street rights-of-way shall be considered front lot lines; or in the case of a through lot, the lot line which most closely parallels the primary entrance of the primary structure shall be considered the front lot line, or so declared by the Administrator (see Diagram B).

Lot line, rear. A lot line which is opposite and most distant from the front lot line, or in the case of a triangularly shaped lot, a line ten (10) feet in length within the lot, parallel to and at the maximum distance from the front lot line. However, in the case of a corner lot line, any lot line which intersects with a front lot line shall not be considered a rear lot line.

Lot line, side. Any lot line not designated as a front or rear lot line.

Lot of record. A lot which is part of a subdivision or a lot or a parcel described by metes and bounds, the description of which has been so recorded in the office of the recorder of Marion County, Indiana.

Main floor area. The area of a horizontal plane, fully bound by the exterior walls of the primary building or structure, of the floor surface at or above grade level exclusive of vent shafts, decks, garages, uncovered or covered open space.

Marginal access street. See street, marginal access.

Mini-warehouses. A building or group of buildings containing one (1) or more individual compartmentalized storage units for the inside storage of customers' goods or wares, where no unit exceeds six hundred (600) square feet in area.

Minor emergency repairs. Those maintenance repairs necessitating an immediate solution yet not posing an immediate life-safety hazard, nor altering the existing character of the structure (see alteration).

Motel. Any building or group of buildings containing five (5) or more rooms with at least twenty-five (25) percent of all rooms having direct access to the outside without the necessity of passing through the main lobby of the building(s), designed or intended to be occupied for sleeping purposes by guests for a fee, where general kitchen and dining room facilities may be provided within the building or an accessory building, and which caters to the traveling public.

Mulch. A protective covering of organic substances placed around plants to control weeds and prevent evaporation of moisture or freezing. Plastic, loose gravel, stones or rocks shall not be considered as mulch.

Neighborhood recycling collection point. A site where individuals bring household recycling materials to either drop off without compensation, or to redeem the materials for monetary compensation. Beyond any limited sorting, no other processing of the material takes place at the site. All materials are stored completely within the structure while awaiting periodic shipment to the processing facilities. While these collection points may be developed as freestanding sites, they typically are accessory uses sharing the site of a larger primary use. Possible structures for this type of operation include such recycling containers as "igloos," reverse vending machines, trailers, or similar structures.

Night club. An establishment engaged primarily in offering entertainment to the general public, in the form of music for dancing or live and recorded performances. The establishment may or may not engage in the preparation and retail sale of alcoholic beverages for consumption on the premises. For the purposes of this chapter, an establishment of a similar nature which caters to, or markets itself predominantly to, persons under twenty-one (21) years of age shall not be construed to be a night club, but rather a commercial amusement/recreation establishment.

Nonconforming adult entertainment business. Shall mean any building, structure or land lawfully occupied by an adult entertainment business or lawfully situated at the time of passage of General Ordinance 44, 1984, adopted on July 9, 1984, or amendments thereto, which does not conform after the passage of that ordinance or amendments thereto with the regulations of this chapter.

Nursery, day. See day care center.

Off-street. A location completely within the boundaries of the lot, and completely off of public or private rights-of-way or alleys or any interior surface access easement for ingress and egress.

On-center. Distance at grade from the center of one (1) plant to the center of the next plant.

Outdoor commercial amusement/recreation establishment. An open area offering entertainment or games of skill to the general public for a fee. This includes but is not limited to such facilities as golf courses, swimming pools, and baseball/softball fields.

Outdoor display. See display, outdoor.

Outdoor storage. See storage, outdoor.

Parking area. An area of paving other than an open exhibition or display area, not inclusive of interior access drives, driveways, interior access driveways and access drives intended for the temporary storage of automotive vehicles including parking spaces and the area of access for the egress/ingress of automotive vehicles to and from the actual parking space (see Diagram A).

Parking bay. The parking module consisting of one (1) or two (2) rows of parking spaces and the aisle from which motor vehicles enter and leave the spaces (see Diagram A).

Parking space. An off-street portion of the parking area, which shall be used only for the temporary placement of an operable vehicle (see Diagram A).

Pavement. A layer of concrete, asphalt or coated macadam used on street, parking area, sidewalk, or airport surfacing.

Pedestrian ramp. An inclined access opening along the curb line at which point pedestrians, unassisted or assisted by a wheelchair, walker or the like, may enter or leave the street; or an incline providing pedestrians, unassisted or assisted by a wheelchair, walker or the like, access from the ground to an elevated surface.

Permitted use. Any use by right authorized in a particular zoning district or districts and subject to the restrictions applicable to that zoning district.

Personal service. Services provided involving the care of a person or his/her apparel.

Personal service establishment. A commercial establishment primarily engaged in providing services generally to individuals involving the care of a person or his/her apparel, such as laundries, photographic portrait studios, barber and beauty shops, shoe repair, tailor, travel bureaus or similar facilities.

Physically handicapped. An individual who has a physical impairment including impaired sensory, manual or speaking abilities, which results in a functional limitation in access to and use of a building or facility.

Plat. An officially recorded map, as recorded in the Office of the Marion County Recorder, or a map to be recorded indicating the subdivision of land including, but not limited to, boundaries and locations of individual properties, streets, and easements.

Primary building. The building in which the permitted primary use of the lot is conducted.

Printer, job. See job printer.

Proposed right-of-way. See right-of-way, proposed.

Protected district. Specific classes of zoning districts which, because of their low intensity or the sensitive land uses permitted by them, require additional buffering and separation when abutted by certain more intense classifications of land use. For the purposes of this article, a protected district shall include any dwelling district, hospital district, parks district, university quarter district, SU-1 (church) District or SU-2 (school) District.

Rear yard. See yard, rear.

Reconstruction (pertaining to adult entertainment only). The rebuilding or restoration of any nonconforming adult entertainment business which was damaged or partially destroyed by an exercise of the power of eminent domain, or by fire, flood, wind, explosion or other calamity or act of God, if the damage or destruction exceeds two-thirds (2/3) of the value of the structure or the facilities affected.

Recreation facility. A place, area or structure designed and equipped for the conduct of sport, leisure time activities and other customary and usual recreational activities.

Recycling container. Receptacle designed and intended for the collection of cleaned, sorted, solid household waste products, including, but not limited to, glass, plastic, metal and paper.

Recycling station. A recycling operation involving further processing (relative to a neighborhood recycling collection point) of materials to improve the efficiency of subsequent hauling. Such a facility typically features sorting, the use of a crushing apparatus, and the storage of the material until it is shipped out. These businesses usually occupy existing freestanding sites, such as former gasoline stations, or occupy parts of an integrated center parking lot.

Religious use. A land use and all buildings and structures associated therewith devoted primarily to the purpose of divine worship together with reasonably related *accessory* uses, which are subordinate to and commonly associated with the primary use, which may include but are not limited to, educational, instructional, social or residential uses.

Restaurant, drive-in or drive-through. Any restaurant designed to permit or facilitate the serving of food or beverages directly to, or permitted to be consumed by, patrons in or on motor vehicles parking or stopped on the premises.

Restaurant, family. An establishment where food and drink are prepared, served and consumed primarily within the principal building to the general public. The establishment may have a separate area, or lounge, where alcoholic beverages are served without full food service, provided the area is accessory to the primary use in: 1) square feet; or 2) sales.

Restaurant, fast food. An establishment whose principal business is the sale of preprepared or rapidly prepared food directly to the customer in a ready-to-consume state for consumption either within the restaurant building, on-premises or off-premises.

Resumption (pertaining to adult entertainment only). Shall mean the reuse or reoccupation of a nonconforming adult entertainment business which has been discontinued for a period of six (6) or more consecutive months.

Retail trade. Establishments engaged in selling goods or merchandise to the general public for personal or household consumption and rendering services incidental to the sale of such goods. The establishment typically buys goods for resale to the public.

Required yard. See yard, required.

Right-of-way. Specific and particularly described strip of land, property, or interest therein devoted to and subject to the lawful use, typically as a thoroughfare of passage for pedestrians, vehicles, or utilities, as officially recorded by the Office of the Marion County Recorder.

Right-of-way, private. Specific and particularly described strip of privately held land, property, or interest therein devoted to and subject to use for general transportation purposes or conveyance of utilities whether or not in actual fact improved or actually used for such purposes, as officially recorded by the Office of the Marion County Recorder.

Right-of-way, proposed. Specific and particularly described land, property, or interest therein devoted to and subject to the lawful public use, typically as a thoroughfare of passage for pedestrians, vehicles, or utilities, as officially described in the Marion County Thoroughfare Plan as adopted and amended by the Metropolitan Development Commission.

Right-of-way, public. Specific and particularly described strip of land, property, or interest therein dedicated to and accepted by the municipality to be devoted to and subject to use by the general public for general transportation purposes or conveyance of utilities whether or not in actual fact improved or actually used for such purposes, as officially recorded by the Office of the Marion County Recorder.

Roof line. The uppermost edge of the water-carrying surface of a building or structure.

Satellite dish antenna. A device incorporating a reflective surface that is solid, open mesh, or bar configured and is in the shape of a shallow dish, cone or horn. Such device shall be used to transmit or receive radio or electromagnetic waves between terrestrially or orbitally based devices.

Screening. A method of visually shielding or obscuring a nearby structure, building or use on an abutting or adjacent property or lot from another by fencing, walls, berms, or densely planted vegetation.

Seasonal retail sales use, temporary. A temporary use established for a fixed period of time, for the retail sale of seasonal products, including, but not limited to, such items as food, Christmas trees, and live plants. This use may or may not involve the construction or alteration of any permanent building or structure.

Semi-public use. See use, semi-public.

Service bay. Individual area within an automobile repair or service facility where services, including but not limited to car washes, oil changes and repairs, are performed on a motor vehicle.

Services involving specified sexual activity or display of specified anatomical areas. Any combination of two (2) or more of the following activities:

- (1) The sale or display of books, magazines, periodicals or other printed matter, or photographs, films, motion pictures, video cassettes, slides, tapes, records or other forms of visual or audio representation which are characterized by an emphasis upon the depiction or description of specified sexual activities or specified anatomical areas;

- (2) The presentation of films, motion pictures, video cassettes, slides, or similar photographic reproductions which are distinguished or characterized by an emphasis upon the depiction or description of specified sexual activities or specified anatomical areas for observation by patrons;
- (3) The operation of coin- or slug-operated or electronically, electrically or mechanically controlled still or motion picture machines, projectors, or other image producing devices per machine at any one (1) time and where the images so displayed are distinguished or characterized by an emphasis on depicting or describing specified sexual activities or specified anatomical areas;
- (4) Live performances by topless or bottomless dancers, go-go dancers, exotic dancers, strippers, or similar entertainers, where such performances are distinguished or characterized by an emphasis on specified sexual activities or specified anatomical areas;
- (5) The operation of a massage school, massage parlor, massage therapy clinic, bathhouse, escort service, body painting studio or nude modeling studio, as these terms are defined in Chapter 911 of this Code.

Setback. The minimum horizontal distance established by ordinance between a proposed right-of-way line or a lot line and the setback line (see Diagram B).

Setback line. A line that establishes the minimum distance a building, structure, or portion thereof, can be located from a lot line or proposed right-of-way line (see Diagram B).

Shopping center. A group of commercial establishments planned, constructed and managed as a total entity with customer and employee parking provided on-site, provision for goods delivery separated from customer access and often with protection from the elements.

Shrub. A woody plant of relatively low height (not exceeding ten (10) to twelve (12) feet in height), branching from the base.

Side yard. See yard, side.

Sidewalk. A hard-surfaced walk or raised path and any curb ramps or blended transitions along and paralleling the side of the streets for pedestrians. Sidewalks do not include the curb or gutter structures.

Sign. Any structure, fixture, placard, announcement, declaration, device, demonstration or insignia used for direction, information, identification or to advertise or promote any business, product, goods, activity, services or any interests.

Site plan. The development plan, or series of plans, drawn to scale, for one (1) or more lots on which is shown the existing and proposed location and conditions of the lot including as required by ordinance, but not limited to: Topography, vegetation, drainage, floodplains, marshes, and waterways; open spaces, walkways, means of ingress and egress, utility services, landscaping, buildings, structures, signs, lighting and screening devices, centerlines of rights-of-way, and dimensions.

Specified anatomical areas. Any of the following:

- (1) Less than completely and opaquely covered human genitals, pubic region, buttocks, anus or female breasts below a point immediately above the top of the areolae; or
- (2) Human male genitals in a discernibly turgid state, even if completely and opaquely covered.

Specified sexual activities. Any of the following:

- (1) Human genitals in a state of sexual stimulation or arousal;
- (2) Acts of human masturbation, sexual intercourse or sodomy;
- (3) Fondling or other erotic touchings of human genitals, pubic regions, buttocks or female breasts;
- (4) Flagellation or torture in the context of a sexual relationship;
- (5) Masochism, erotic or sexually oriented torture, beating or the infliction of pain;

- (6) Erotic touching, fondling or other such contact with an animal by a human being; or
- (7) Human excretion, urination, menstruation, vaginal or anal irrigation as a part of or in connection with any of the activities set forth in (1) through (6) above.

Stacking space, off-street. An area, separate from or in addition to, the required parking area, reserved for the temporary retention of vehicles which are queuing up or utilizing the services of a drive-through service unit.

Storage, outdoor. An outdoor area used for the long-term deposit (more than twenty-four (24) hours) of any goods, material, merchandise, vehicles or junk.

Storage area. An area designated, designed and intended for the purpose of reserving property for a future use and distinguished from areas used for the display of property intended to be sold or leased.

Storage room. An enclosed area integrated into and sharing a common or party wall or walls within a primary building, while designed and intended for the purpose of reserving property for a future use.

Story. That part of a building, with an open height of not less than seven (7) feet six (6) inches, except a mezzanine, included between the upper surface of one (1) floor and the lower surface of the next floor, or if there is no floor above, then the ceiling next above. A basement shall constitute a story only if it provides finished floor area.

Street, collector. A street primarily designed and intended to carry vehicular traffic movement at moderate speeds (e.g., thirty-five (35) mph) between *local streets* and arterials while allowing direct access to abutting property(ies) (see Diagram D).

Street, cul-de-sac. A street having only one (1) open end which is permanently terminated by a vehicle turnaround (see Diagram D).

Street, eligible public. Pertaining only to sidewalks, that portion of a public street abutting a lot or project, or that portion of a public street between the lot lines extended from which a lot or project gain access.

Street, expressway. A street so designated by the Official Thoroughfare Plan for Marion County, as amended.

Street, freeway. A street so designated by the Official Thoroughfare Plan for Marion County, as amended.

Street, local. A street primarily designed and intended to carry low volumes of vehicular traffic movement at low speeds (e.g., twenty (20) to thirty (30) mph) within the immediate geographic area with direct access to abutting property(ies) (see Diagram D).

Street, marginal access. A local street with control of access auxiliary to and located on the side of an arterial, thoroughfare, expressway, or freeway for service to abutting property(ies) (see Diagram D).

Street, parkway. A street serving through vehicular traffic and equal to or more than five thousand two hundred eighty (5,280) feet in length, the adjoining land on one (1) or both sides of which is predominantly dedicated or used for park purposes, and shall conform to the comprehensive plan and the Thoroughfare Plan.

Street, primary. A street so designated by the Official Thoroughfare Plan for Marion County, as amended.

Street, private. A privately held right-of-way, with the exception of alleys, essentially open to the sky and open for the purposes of vehicular and pedestrian travel affording access to abutting property, whether referred to as a street, road, expressway, arterial, thoroughfare, highway, or any other term commonly applied to a right-of-way for such purposes. A private street may be comprised of pavement, shoulders, curbs, sidewalks, parking space, and the like.

Street, public. A publicly dedicated, accepted and maintained right-of-way, with the exception of alleys, essentially open to the sky and open to the general public for the purposes of vehicular and pedestrian travel affording access to abutting property, whether referred to as a street, road, expressway, arterial, thoroughfare, highway, or any other term commonly applied to a public right-of-way for such

purposes. A public street may be comprised of pavement, shoulders, gutters, curbs, sidewalks, parking space, and the like.

Street, secondary. A street so designated by the Official Thoroughfare Plan for Marion County, as amended.

Structural alteration. Shall mean any change which would prolong the life of the supporting members of a building or structure such as bearing walls, columns, beams or girders, except such changes as are ordered made pursuant to the provisions of the Unsafe Building Law, IC 36-7-9-1, and any amendments thereto.

Structure. A combining or manipulation of materials to form a construction, erection, alteration or affixation for use, occupancy, or ornamentation, whether located or installed on, above, or below the surface of land or water.

Subdivision. The division of any parcel of land shown as a unit, as part of a unit or as contiguous units, on the last preceding transfer of ownership thereof, into two (2) or more parcels or lots, for the purpose, whether immediate or future, of transfer of ownership or building development.

Substance abuse treatment facility. A facility, the primary function of which is to administer or dispense a schedule II controlled substance (as listed under IC 35-48-2-6(b) or (c)) to a narcotic addict for maintenance or detoxification treatment.

Tavern. An establishment used primarily for the serving of liquor by the drink to the general public, but where minors cannot be within the use, and where food or packaged liquors may be served or sold only as accessory to the primary use.

Temporary seasonal retail sales use. See seasonal use, temporary.

Temporary use. An impermanent land use established for a limited and fixed period of time with the intent to discontinue such use upon the expiration of the time period.

Theatre, drive-in. An open lot with its appurtenant facilities devoted primarily to the showing of motion pictures or theatrical productions on a paid admission basis to patrons seated in motor vehicles.

Theatre, motion picture. A building or part of a building which is devoted primarily to showing motion pictures to the public for a fee.

Theatre, legitimate. A building or structure or part thereof which is devoted primarily for the presentation of live dance, dramatic, musical or comedic performances.

Thoroughfare. A street primarily serving through vehicular traffic, including freeways, expressways, primary arterials, and secondary arterials.

Thoroughfare Plan. The segment of the Comprehensive Plan for Marion County, Indiana, adopted by the Metropolitan Development Commission of Marion County, Indiana, pursuant to IC 36-7-4 that sets forth the location, alignment, dimensions, identification and classification of freeways, expressways, parkways, primary arterials, secondary arterials, or other public ways as a plan for the development, redevelopment, improvement, and extension and revision thereof.

Through lot. See lot, through.

Total gross floor area. See gross floor area, total.

Transitional yard. See yard, transitional.

Trash container. Receptacle intended for the disposal, collection or temporary storage of unsorted waste products or refuse.

Trash enclosure. An accessory structure enclosed on at least three (3) sides that is designed to screen and protect waste receptacles from view and to prevent waste debris from dispersing outside the enclosure.

Tree survey. An inventory of all trees on a lot or project before construction, alteration or excavation activity occurs identifying species, location, caliper, and dripline of trees. In the case of dense tree stands that exceed six hundred (600) square feet in area and seventy-five (75) percent branch

coverage of the ground surface, the location of the outer boundary of the tree stands' dripline with a listing of the predominant species and caliper may be substituted for a detailed inventory.

Use, semi-public. A service offered by a not-for-profit organization to the general public for either no charge or a nominal fee.

Variety store. Commercial establishments primarily engaged in the retail sale of a variety of merchandise in the low price range. Sales usually are made on a cash-and-carry basis, with the open-selling method of display and customer selection of merchandise. These stores generally do not carry a complete line of merchandise, are not departmentalized, do not carry their own charge service, and generally do not deliver merchandise.

Vending machine. An automatic device which dispenses goods or services to the customer upon receipt of monetary compensation.

Walkway. A hardsurfaced walk or raised path for pedestrian traffic.

Yard, front. An open space unobstructed to the sky, extending fully across the lot while situated between the front lot line and a line parallel thereto, which passes through the nearest point of any building or structure and terminates at the intersection of any side lot line (see Diagram B).

Yard, rear. An open space unobstructed to the sky, extending fully across the lot situated between the rear lot line and a line parallel thereto which passes through the nearest point of any building or structure and terminates at the intersection of any side lot line (see Diagram B).

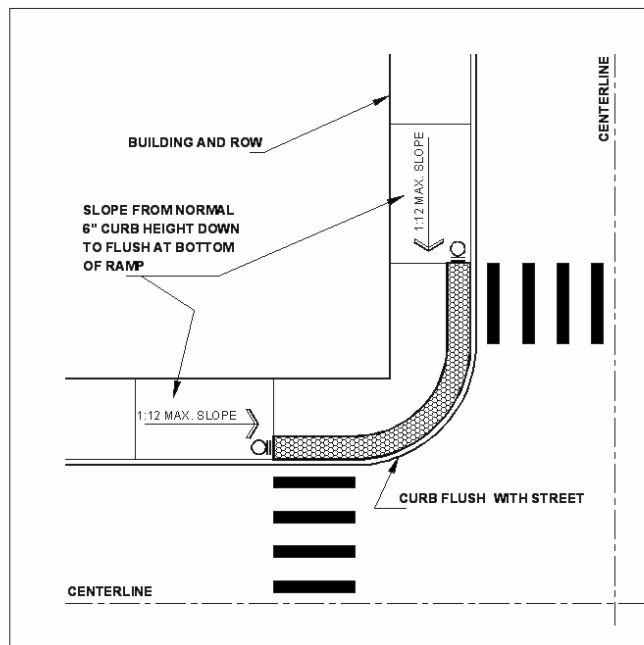
Yard, required. That portion of any yard abutting a lot line having a minimum depth as area required by the particular zoning district in which it is located.

Yard, side. An open space unobstructed to the sky, extending the length of the lot situated between a side lot line and a line parallel thereto which passes through the nearest point of any building or structure and terminates at the point of contact with any rear or front yards or any lot line, whichever occurs first (see Diagram B).

Yard, transitional required. That portion of any yard abutting a protected district having a minimum depth as required by the particular zoning district in which it is located and acting as a buffer between two (2) or more land uses of different intensity (see Diagram B).

Diagram N in the Commercial Districts Zoning Ordinance

Blended
Transition



SECTION 6. Subsection (c) of Section 733-211 of the "Revised Code of the Consolidated City and County," regarding sidewalks in the Industrial Zoning Ordinances of Marion County, Indiana, hereby is amended by the addition of the language which is underscored, to read as follows and to number as needed:

Section 733-211 Special Regulations

(c) Street Requirements:

(1) *Clear sight triangular area.* The following provisions shall apply to all streets, whether public or private: All landscape plantings, structural barriers, shrubs, trees, structures or other objects, temporary or permanent, shall permit completely unobstructed vision within a clear sight triangular area between the heights of two and one-half (2 1/2) and nine (9) feet above the crown of the streets, drives, or driveways. A clear sight triangular area shall be established as one (1) of the following (see section 733-213, Diagram F):

- a. On a corner lot, the clear sight triangular area is formed by the street right-of-way lines, the pavement edge of the drives or driveways and the line connecting points twenty-five (25) feet from the intersection of such street right-of-way lines and pavement edge lines; or in the case of a round or cut property corner, from the intersection of the street right-of-way lines and pavement edge lines extended; or
- b. On a lot adjacent to an at-grade railroad crossing, the clear sight triangular area is formed by the lot line coterminous with the railroad right-of-way, the street right-of-way line or pavement edge line, and the line connecting points twenty-five (25) feet from the intersection of such lines; or
- c. On a lot which has a driveway, abuts an alley or which is next to a lot which has a driveway, the two (2) clear sight triangular areas are formed by the street right-of-way line, both sides of either the alley right-of-way or of the surface edge of the driveway, and the line connecting points ten (10) feet from the intersection of the street right-of-way line and driveway or alley lines extended.

(2) Requirements for public streets.

- a. All public streets shall be dedicated to the public, accepted for public maintenance by the Department of Public Works (DPW), and improved and constructed in accordance with the standards required by the DPW Standards for Street and Bridge Design and Construction, or as approved by the director of the DPW.
- b. The rights-of-way of any streets within an industrial park which are indicated on the Official Thoroughfare Plan for Marion County, Indiana, or which have been required by zoning, variance, or platting commitment, condition or covenant to be developed as public streets, are to be constructed to specific standards based upon their proposed functional classification and shall be dedicated to the public, or the right-of-way thereof shall be reserved for the future.

(3) Requirements for private streets, driveways, interior access driveways and interior access drives:

- a. All private streets, driveways, interior access driveways and interior access drives shall meet the minimum standards for construction, materials or use in construction, and design as specified by the "Standard Specifications", Indiana Department of Transportation (8-17-1-39), 1988 Edition, the Indiana Department of Transportation (IDOT) Supplemental Specifications, and the Indianapolis Department of Public Works (DPW) Standards for Street and Bridge Design and Construction. In the event DPW specifications conflict with the IDOT Standard Specifications, the most stringent specifications shall govern. The "Standard Specifications" of the IDOT are incorporated into this chapter by reference. Two (2) copies of the "Standard Specifications" are on file and available for public inspection in the office of the Division of Planning of the Department of Metropolitan Development. Provided, however, that the standard specifications incorporated into this chapter shall be modified as follows:

Private interior streets, private interior access drives and private interior access driveways shall have a minimum width, including gutters, curbing, and off-street parallel parking spaces, if provided, of:

One-way, no parking: Twelve (12) feet

One-way, parallel parking on one (1) side of the street only: Twenty (20) feet

Two-way, no parking: Twenty (20) feet

Two-way, parallel parking on one (1) side of the street only: Twenty-seven (27) feet

Two-way, parallel parking on both sides of the street: Thirty-six (36) feet

- b. Private streets, interior access drives and interior access driveways shall be privately maintained (not by governmental agencies) in good condition and free of chuckholes, standing water, weeds, dirt, trash and debris.
- c. Interior access drives and driveways shall be designed and maintained with sufficient width to provide for the passage of emergency vehicles at all times.
- d. Private streets, interior access drives and interior access driveways within any industrial zoning district may be used to provide ingress and egress to any other industrial zoning district and to any other zoning district having a less intense use, which would include all protected districts and all commercial districts.

(4) Sidewalk Requirements. On any freestanding lot, project, industrial park, or integrated center that is not served by either an existing public sidewalk or a public sidewalk alternative authorized by the City of Indianapolis, sidewalks shall be provided in compliance with the following regulations.

a. Placement.

- 1. Sidewalks shall be provided along all eligible public streets, excepting interstate, expressway, freeway, as indicated in the current Official Thoroughfare Plan for Marion County, Indiana, and other full control of access frontages as determined by the Administrator.
- 2. Sidewalks shall extend along the full length of the freestanding lot, project, industrial park or integrated center's eligible public streets.
- 3. Unless a different location is approved by the Administrator, the sidewalks shall be provided within the public right-of-way, one (1) foot from the right-of-way line.
- 4. Where sidewalks exist in the public right-of-way in front of an adjacent lot and extend to a point equal to the common lot line extended, the sidewalks shall fully connect with such existing sidewalks on the adjacent property to provide a continuous, unobstructed walkway along the public street.

b. Construction.

- 1. Sidewalks shall consist of the walkway and any curb ramps or blended transitions.
- 2. Sidewalks shall meet the Standards for Street and Bridge Design and Construction (G.O. 49, 1972/Standards for Acceptance of Streets and Bridges of the City-County Council of Indianapolis and Marion County, Indiana), as amended.
- 3. Sidewalks constructed to comply with this section shall be a minimum width of five (5) feet, exclusive of the width of any curb. A minimum clear width of four (4) feet shall be provided. The clear width shall be fully unobstructed by utility poles, traffic signs, mailboxes, fire hydrants or other similar items.
- 4. Sidewalks shall be a minimum of four (4) inches in thickness of Portland cement concrete, except where sidewalks cross concrete drives or driveways the thickness shall be a minimum of six (6) inches, conforming to subsection 604 of the current Indiana Department Of Transportation Design Standards and Specifications. Sidewalks along frontages that are identified in the Marion County Greenways Plan, Marion County Comprehensive Plan, or IndyParks Connectivity Plan as a greenway or linear path may be constructed with alternate materials and depth standards as approved by the Administrator.

- c. Site Considerations. In locations where site conditions cause extreme difficulty in the construction of sidewalks, the Administrator may, upon written request, waive that portion of sidewalks. Examples of extreme difficulty include, but are not limited to, waterway crossings, significant elevation change, existing deep drainage swales in the right-of-way, and grades steeper than 3:1. The request shall include supporting documentation. The waiver would be pursuant to a written agreement and subject to a contribution in lieu of sidewalks that shall be made to the City for the provision of sidewalks in Marion County. The amount shall be \$25 per linear foot of required sidewalk waived. The rate per linear foot shall be increased by \$0.60 annually beginning January 1, 2009.
- d. Compliance with the Americans with Disabilities Act (ADA). Sidewalks and any alternative pedestrian walkway shall comply with the Americans with Disabilities Act. Where this ordinance exceeds the Americans with Disabilities Act, any such improvement shall meet or exceed the provision of this ordinance.
- e. Requirements for sidewalks for new development. Sidewalks shall be provided in connection with the initial development for a freestanding lot and project upon which structures are constructed, converted, erected, reconstructed or relocated. Sidewalks shall be provided in connection with the development of an industrial park or integrated center upon which structures are constructed, converted, erected, reconstructed or relocated in accordance with the conditions of the grant of a Special Exception. Sidewalks shall be provided for a project or lot upon which at least 2/3 of all buildings have been removed, demolished, damaged or destroyed.
- f. Internal accessibility for new development. Within a freestanding lot, project, industrial park, or integrated center, walkways shall be provided in accordance with a pedestrian plan that shall include a walkway system that functionally connects all of the building's front entrances with the sidewalk located in the public right-of-way of each of the freestanding lot, project, industrial park, or integrated center's eligible public streets. The walkways may be constructed of asphalt, concrete, pavers, or other materials meeting ADA guidelines. Such private walkways shall provide for identifiable pedestrian crossing treatments along functional pedestrian routes wherever the private walkways cross an interior access drive or interior access driveway.
- g. Requirements for sidewalks for redevelopment or additions. When improvements are proposed for:
 - (i) a freestanding lot, project, industrial park, or integrated center upon which a building on a permanent foundation exists prior to July 1, 2008; or,
 - (ii) a lot upon which no building exists and is located within a project, industrial park, or integrated center upon which a building on a permanent foundation existed prior to July 1, 2008.sidewalks for the redevelopment or the additions shall be provided in compliance with the following regulations:
 - 1. Sidewalks shall be required when a building is constructed, erected, enlarged, extended, reconstructed, relocated, converted to an industrial use; except a building that was destroyed or damaged by fire or natural causes and is reconstructed on substantially the same foundation and of substantially the same gross floor area.
 - 2. Sidewalks shall be provided at a minimum rate of 3 linear feet of sidewalk per 100 square feet or fraction thereof of the gross floor area of the constructed, erected, enlarged, extended, reconstructed, converted to an industrial use, or relocated building or addition. The linear amount of sidewalk required shall not exceed the cumulative length of eligible public streets of the freestanding lot, project, industrial park, or integrated center, excepting interstate, expressway, freeway, as indicated in the current Official Thoroughfare Plan for Marion County, Indiana, and other full control of access frontages as determined by the Administrator.
 - 3. The provision of the sidewalks shall be in accordance with the following options with the first option being preferred:

- i. Sidewalks shall be constructed; or
- ii. Pursuant to a written agreement, a contribution in lieu of sidewalks shall be made to the City for the provision of sidewalks in Marion County. The amount shall be \$25 per linear foot of required sidewalk. The rate per linear foot shall be increased by \$0.60 annually beginning January 1, 2009.
- 4. Where this subsection would result in the partial installation of sidewalks along an eligible public street, the Administrator shall determine the location along the eligible public street where the sidewalks shall be installed. The criteria for the sidewalk location shall be the greatest improvement to the public health, safety, welfare and convenience.
- 5. The provision of the sidewalks shall be required for each addition to the site until the sidewalks are constructed along all eligible public streets or the equivalent contribution has been made for the sidewalks.

SECTION 7. Subsections (b)(3) and (c) of Section 733-212 of the "Revised Code of the Consolidated City and County," regarding sidewalks in Industrial Parks in the Industrial Zoning Ordinances of Marion County, Indiana, hereby is amended by the addition of the language which is underscored, to read as follows and to number as needed:

Section 733-212 Special Exception Provisions

(b) *Special regulations for uses permitted by special exception.*

(3) Industrial Parks.

a. General Purpose. An industrial park shall be designed so as:

- 1. To assure that all special treatment and handling of street patterns, and arrangements of grouping of buildings, off-street parking and loading, accessory uses, etc., shall result in a superior land development scheme which accomplishes the objectives and carries out the intent of the applicable comprehensive plan and zoning ordinances;
- 2. To create and maintain desirable, efficient and economical use of land with high aesthetic value, attractiveness and compatibility of land use;
- 3. To permit reasonable deviation from standard zoning district requirements where necessary due to special size or shape of site(s) or character of condition of topography and terrain or other special conditions;
- 4. To permit adequate private interior access roads to serve a variety of industrial sites and uses within the industrial park;
- 5. To provide sufficient and adequate access, parking and loading areas for all uses and structures within the industrial park;
- 6. To provide adequate traffic control and street plan integration with existing and planned streets;
- 7. To provide for pedestrian connectivity and public transit accessibility;
- 87. To provide adequate sanitation, drainage and public utilities servicing the industrial park; and
- 98. To allocate adequate land for all uses proposed, the site design, character, grade, location, and orientation thereof to be appropriate for the uses proposed, logically related to existing and proposed topographical and other conditions, and consistent with the Comprehensive Plan of Marion County, Indiana.

b. Exceptions. In order to allow flexibility in the development of an industrial park, certain exceptions to development standards of the applicable industrial district may be authorized by grant of special exception for an industrial park including, but not limited to:

1. Front setback and frontage on public street. Sites for uses within the industrial park may front upon and be serviced by private interior access roads, provided:
 - i. Each such site shall have a front yard and setback (from the interior access road) of adequate depth in relation to building height, width and area.
 - ii. A front yard and setback in accordance with the industrial zoning district's standard requirements shall be provided along all public streets abutting the periphery of the industrial park.
 2. Required side yards. The total of the required side yards and setbacks may be provided entirely on one (1) side or divided in any proportion between the two (2) sides of the site.
 3. Building separation - setback between side of buildings. The sides of any two (2) buildings shall be separated by a minimum of twenty (20) feet unless they abut one another.
 4. Deceleration lane. No deceleration lane shall be required within the industrial park provided the street or private interior access roads are of sufficient width and number of lanes that continuous movement of through traffic is not impeded.
 5. Pedestrian Accessibility. Pedestrian accessibility shall be provided along eligible public streets and to available public transit. The pedestrian accessibility may be sidewalks, paths, trails, or combination thereof. Prior to the approval of a path or trail, documentary assurances shall be filed indicating that the path or trail shall be provided with regular maintenance and repair, including, but not limited to surface, subgrade, subsurface drainage, trailside drainage, lights, signs, traffic control signs, and traffic control signals, as applicable, and that this maintenance obligation shall be met by the adjoining property owner in perpetuity. Such documentary assurances shall be recorded in the Office of the Recorder of Marion County, Indiana, or otherwise provided for through legally binding perpetual agreements as approved by the Administrator.
- (c) Grant of special exception. The Metropolitan Board of Zoning Appeals of Marion County, Indiana, is hereby authorized to grant special exceptions to the industrial district's standard terms, regulations and requirements, as specified in this chapter, and issue special exceptions to permit uses designated in section 733-212(a), subject to the following requirements:
- (1) A petition for special exception to permit any use designated in section 733-212(a) shall be filed with the Board of Zoning Appeals in accordance with the Board's rules of procedure. In addition to the site plan and area map filing requirements of the Board's rules of procedure or special exception petition forms, the petitioner shall file with the special exception petition:
 - a. A site plan, drawn to scale, noting:
 1. Primary building(s) and accessory building(s);
 2. Off-street parking layouts;
 3. Vehicular entrances, exits, and turn-off lanes;
 4. Sidewalk and pedestrian walkways;
 - 4~~5~~. Setbacks;
 - 5~~6~~. Landscaping and screening (including walls and fences);
 - 6~~7~~. Storm drainage and sewage disposal facilities;

78. Other utilities, if located above ground.

SECTION 8. Subsection (b) of Section 733-213 of the "Revised Code of the Consolidated City and County," regarding definitions and diagrams in the Industrial Zoning Ordinances of Marion County, Indiana, hereby is amended by the deletion of the language that is stricken-through and by the addition of the language which is underscored, to read as follows and to number as needed:

Section 733-213 Construction of Language and Definitions

(b) *Definitions.* The words in the text or illustrations of this article shall be interpreted in accordance with the following definitions. The illustrations and diagrams in this section provide graphic representation of the concept of a definition; the illustration or diagram is not to be construed or interpreted as a definition itself.

Abut. To physically touch or border upon; or to share a common property line.

Access. The way by which vehicles shall have ingress to and egress from a land parcel or property and the street fronting along such property or parcel.

Access drive. That area within the right-of-way between the pavement edge or curb and the right-of-way line providing ingress and egress to and from a land parcel or property (see Diagram B).

Accessory. A subordinate structure, building or use that is customarily associated with, and is appropriately and clearly incidental and subordinate in use, size, bulk, area and height to the primary structure, building, and use, and is located on the same lot as the primary building, structure, or use.

Administrator. Administrator of the division of planning of the department of metropolitan development or such division having jurisdiction, or their appointed representative.

Alley. Any public right-of-way which has been dedicated or deeded to and accepted by the public for public use as a secondary means of public access to a lot(s) otherwise abutting upon a public street and not intended for traffic other than public services and circulation to and from such lot(s).

Alteration. Any change in type of occupancy, or any change, addition or modification in construction of the structural members of an existing structure, such as walls, or partitions, columns, beams or girders, as well as any change in doors or windows or any enlargement to or diminution of a structure, whether it be horizontally or vertically.

Awning. A roof-like cover, often of fabric, metal, plastic, fiberglass or glass, designed and intended for protection from the weather or as a decorative embellishment, and which is supported and projects from a wall or roof of a structure over a window, walk, door, or the like.

Batching plant. A facility which manufactures or prepares bituminous paving materials, aggregate concrete or bulk cement.

Blended transitions. A connection with a grade of five (5) percent or less between the level of the pedestrian walkway and the level of the crosswalk. (See Diagram J)

Buildable area. The area of a lot remaining after the minimum yard and open space requirements of the applicable zoning ordinance(s) have been met (see Diagram C).

Building. Any structure designed or intended for the support, enclosure, shelter, or protection of persons, animals, or property of any kind, having a permanent roof supported by columns or walls.

Building area. The total ground area, within the lot or project, covered by the primary structure plus garages, carports and other accessory buildings. The ground area of a structure, or portion thereof, not provided with surrounding exterior walls shall be the area immediately under the vertical projection of the roof or the floor above (see Diagram C).

Bulk storage. The storage of chemicals, petroleum products and other materials in aboveground containers for subsequent resale to distributors or retail dealers or outlets.

Canopy. A roof-like cover, often of fabric, metal, plastic, fiberglass or glass, on a support which is supported in total or in part from the ground, providing shelter over, for example, a doorway, outside walk or parking area.

Collector street. See street, collector.

Commission. The Metropolitan Development Commission of Marion County, Indiana.

Commitment. An officially recorded agreement concerning and running with the land as recorded in the Office of the Marion County Recorder.

Comprehensive plan. The Comprehensive Plan for Marion County, Indiana, or segment thereof, adopted by the Metropolitan Development Commission of Marion County, Indiana, pursuant to IC 36-7-4.

Condition. An official agreement between the municipality and the petitioner concerning the use or development of the land as specified in the letter of grant of a petition as signed by the Administrator or secretary of the Board of Zoning Appeals.

Corner lot. See lot, corner.

Covenant. A legal agreement concerning the use of land.

Crown of the street. The highest point, most often at the centerline, of a street cross-section of the street pavement between the existing curb lines.

Cul-de-sac. See street, cul-de-sac.

Curb cut. The opening along the curb line, exclusive of handicap ramps, at which point vehicles may enter or leave the street (see Diagram B).

Curb line. A line located on either edge of the pavement, but within the right-of-way line (see Diagram B).

Curb ramps. A perpendicular or parallel ramp and its landing that cuts through or is built up to the curb.

Dripline. The perimeter of a tree's spread measured to the outermost tips of the branches and extending downward to the ground.

Driveway. Access for vehicular movement to egress/ingress between the right-of-way of private or public streets and the required building setback line (see Diagram B).

Erect. Activity of constructing, building, raising, assembling, placing, affixing, attaching, creating, or any other way of bringing into being or establishing.

Excavation. The breaking of ground, except common household gardening, ground care and agricultural activity.

Floor area, gross. The number of the square feet of horizontal floor area of a building measured from the exterior faces of the exterior walls or from the centerline of walls separating two (2) abutting buildings.

Front lot line. See lot line, front.

Front yard. See yard, front.

Frontage. The line of contact of a property with the street right-of-way along a lot line which allows unobstructed, direct access to the property.

Frontage, public street. The line of contact of a property along the front lot line between the public street and the abutting property which allows unobstructed direct access to the property.

Full control of access. The condition where the right of the owner(s) or occupant(s) of abutting property(ies), or of other persons, to access said property(ies), including the location and connection with public streets, is controlled by public authority. Full control of access gives preference to through vehicular traffic movement, by providing access connections with selected public streets only, by limiting crossings at grade and by prohibiting direct driveway connections. Such frontages include, but are not limited to, the frontages along: Binford Boulevard; North Shadeland Avenue between 48th Street

to the Fall Creek waterway; and North Keystone Avenue between Woodfield Crossing Boulevard and 96th Street.

Grade, established street. The crown elevation of a street pavement level abutting a property (as fixed by the Department of Public Works).

Grade level (adjacent ground elevation). The lowest point of elevation of the finished surface of the ground, paving or sidewalk and similar surface improvements within the area between the exterior walls of a primary building or structure and the property line, or when the property line is more than ten (10) feet from such walls, between such walls and a line ten (10) feet away from and paralleling such walls.

Gross acre. A horizontal measure of land area equal to forty-three thousand five hundred sixty (43,560) square feet.

Gross floor area. See floor area, gross.

Gross floor area, total. The sum of the gross horizontal areas of all floors below the roof and within the exterior faces of the exterior walls of principal and accessory buildings or the centerlines of walls separating two (2) abutting buildings.

Ground cover. Low-growing plants less than eighteen (18) inches in height with a spreading growth habit, such as grasses, vines, flowers, and the like.

Handicap ramp. See pedestrian ramp.

Hardsurfaced. Quality of an outer area being solidly constructed of pavement, brick, paving stone, or a combination thereof.

Hedge. A row or rows of closely planted shrubs, bushes, etc., creating a vegetative barrier.

Height, building. The vertical distance above a reference line measured to the highest point of the coping of a flat roof or to the deck line of a mansard roof or to the height of the highest gable of a pitched or hipped roof. The reference line shall be selected by either of the following, whichever yields a greater building height:

(1) The elevation of the highest adjoining sidewalk or ground surface within a ten-foot horizontal distance from and paralleling the exterior wall of the building or structure when such sidewalk or ground surface is not more than ten (10) feet above lowest grade;

(2) An elevation ten (10) feet higher than the lowest grade when such sidewalk or ground surface is more than ten (10) feet above the lowest grade.

Heliport. An area of land, water or structural surface which is used, or intended for use, for the lawful landing and takeoff of helicopters, and any appurtenant areas which are used, or intended for use for heliport buildings and auxiliary facilities, such as parking areas, waiting rooms, fueling, storage and maintenance equipment areas.

Helistop. An area of land, water or structural surface which is used, or intended for use, for the landing and takeoff of helicopters, without the provision of fueling, repair, maintenance or storage facilities.

Industrial park. See integrated center.

Integrated center. An area of development (commercial, industrial or any combination of commercial, industrial and residential uses) of one (1) or more lots, comprised of:

(1) A number of individual, unrelated and separately operated uses in one (1) building sharing common-site facilities; or

(2) One (1) or more buildings containing unrelated and separately operated uses occupying a common-site, which utilize one (1) or a combination of common-site facilities, such as driveway entrances, parking areas, driving lanes, signs, maintenance and similar common services; or

(3) One (1) or more buildings containing unrelated and separately operated uses occupying individual sites, which are interrelated by the utilization of one (1) or a combination of common facilities, such as driveway entrances, public or private street network, parking areas, maintenance and other services.

Interior access drive. A minor, ~~private street~~ roadway for vehicular movement providing access within the boundaries of a project beginning at the required setback line (see Diagram B).

Interior access driveway. Access for vehicular movement to egress/ingress between interior access drives connecting two (2) or more projects or land parcels (see Diagram B).

Laboratory, research. An establishment or other facility for carrying on investigation in the natural, physical or social sciences, or engineering and development as an extension of investigation with the objective of creating end products.

Landscaping. Any combination of living plants, such as trees, shrubs, ground cover, thickets with grasses planted, preserved, transplanted, maintained and groomed to develop, articulate and enhance the aesthetic quality of the area as well as provide erosion and drainage control and wind protection.

Legally established nonconforming building or structure. Any continuous, lawfully established building or structure erected or constructed prior to the time of adoption, revision or amendment, or granted a variance of the zoning ordinance, but which fails, by reason of such adoption, revision, amendment or variance, to conform to the present requirements of the zoning district.

Legally established nonconforming use. Any continuous, lawful land use having commenced prior to the time of adoption, revision or amendment of a zoning ordinance, but which fails, by reason of such adoption, revision, amendment, or variance to conform to the present requirements of the zoning district.

Loading area. A hardsurfaced off-street area maintained and intended for the maneuvering and temporary parking of vehicles while transferring goods or materials to and from a facility.

Loading space. A hardsurfaced off-street area used for the temporary parking of a commercial vehicle while transferring goods or materials to and from a facility.

Local street. See street, local.

Lot. A tract of land designated by its owner(s) to be used or developed as a unit under single ownership or control. A lot may or may not coincide with a lot of record and may consist of:

- (1) A single lot of record;
- (2) A portion of a lot of record; or
- (3) A combination of complete lots of record, or complete lots of record and portions of lots of record, or of portions of lots of record.

For purposes of this definition, ownership includes:

- (1) The person(s) who holds either fee simple title to the property or is a life tenant as disclosed in the records of the township assessor;
- (2) A contract vendee;
- (3) A long-term lessee (but only if the lease is recorded among the records of the county recorder and has at least twenty-five (25) years remaining before its expiration at the time of applying for a permit) (see Diagram D).

Lot area. The area of a horizontal plane bounded on all sides by the front, rear, and side lot lines that is available for use or development and does not include any area lying within the right-of-way of any public or private street, alley, or easement for surface access (ingress or egress) into the subject lot or adjoining lots.

Lot, corner. A lot abutting upon two (2) or more streets at their intersections, or upon two (2) parts of the same street forming an interior angle of less than one hundred thirty-five (135) degrees (see Diagram D).

Lot, freestanding. A lot that is not located in or a part of an industrial park, integrated center, or project.

Lot, through. A lot abutting two (2) parallel streets, or abutting two (2) streets which do not intersect at the boundaries of the lot (see Diagram D).

Lot line. The legal boundary of a lot as recorded in the Office of the Marion County Recorder.

Lot line, front. The lot line(s) coinciding with the street rights-of-way; in the case of a corner lot, both lot lines coinciding with the street rights-of-way shall be considered front lot lines; or in the case of a through lot, the lot line which most closely parallels the primary entrance of the primary structure shall be considered the front lot line, or so declared by the Administrator (see Diagram C).

Lot line, rear. A lot line which is opposite and most distant from the front lot line, or in the case of a triangularly shaped lot, a line ten (10) feet in length within the lot, parallel to and at the maximum distance from the front lot line. However, in the case of a corner lot line, any lot line which intersects with a front lot line shall not be considered a rear lot line (see Diagram C).

Lot line, side. Any lot line not designated as a front or rear lot line (see Diagram C).

Lot of record. A lot which is part of a subdivision or a lot or a parcel described by metes and bounds, the description of which has been so recorded in the Office of the Recorder of Marion County, Indiana.

Manufacture/manufacturing. Establishment engaged in the mechanical or chemical transformation of materials or substances into new products including the assembling of component parts, the manufacturing of products, and the blending of materials such as lubricating oils, plastics, resins or liquors.

Marginal access street. See street, marginal access.

Mini-warehouses. A building or group of buildings containing one (1) or more individual compartmentalized storage units for the inside storage of customers' goods or wares, where no unit exceeds six hundred (600) square feet in area.

Motor truck terminal. A building or area in which trucks, including tractor or trailer units are parked, stored, or serviced, including the transfer, loading or unloading of goods. A terminal may include facilities for the temporary storage of loads prior to transshipment.

Mulch. A protective covering of organic substances placed around plants to control weeds and prevent evaporation of moisture or freezing. Plastic, loose gravel, stones or rocks shall not be considered as mulch.

Neighborhood recycling collection point. A site where collectors bring household recycling materials. Beyond any limited sorting, no other processing of the material takes place at the site. All materials are stored completely within the structure while awaiting periodic shipment to recycling stations or recycling facilities. While these collection points may be developed as freestanding sites, they typically are accessory uses sharing the site of a larger primary use. Possible structures for this type of operation include such recycling containers as "igloos," reverse vending machines, trailers, or similar structures.

Off-street. A location completely within the boundaries of the lot, and completely off of public or private rights-of-way or alleys or any interior surface access easement for ingress and egress.

Outdoor storage. See storage, outdoor.

Parking area. An area of paving other than an open exhibition or display area, not inclusive of interior access drives, driveways, interior access driveways and access drives intended for the temporary storage of automotive vehicles including parking spaces and the area of access for the parking spaces and

the area of access for the egress/ingress of automotive vehicles to and from the actual parking space (see Diagram B).

Parking space. An off-street portion of the parking area, which shall be used only for the temporary placement of an operable vehicle (see Diagram B).

Pavement. A layer of concrete, asphalt or coated macadam used on street, parking area, sidewalk, or airport surfacing.

Pedestrian ramp. An inclined access opening along the curb line at which point pedestrians, unassisted or assisted by a wheelchair, walker or the like, may enter or leave the street; or an incline providing pedestrians, unassisted or assisted by a wheelchair, walker or the like, access from the ground to an elevated surface.

Permitted use. Any use by right authorized in a particular zoning district or districts and subject to the restrictions applicable to that zoning district.

Physically handicapped. An individual who has a physical impairment including impaired sensory, manual or speaking abilities, which results in a functional limitation in access to and use of a building or facility.

Plat. An officially recorded map, as recorded in the Office of the Marion County Recorder, or a map intended to be recorded indicating the subdivision of land including, but not limited to, boundaries and locations of individual properties, streets, and easements.

Primary building. The building in which the permitted primary use of the lot is conducted.

Processing. A series of operations, usually in a continuous and regular action or succession of actions, taking place or carried on in a definite manner.

Project. A lot or parcel of contiguous land to be developed for a use or uses which at the time of development is under one (1) ownership or control, and subsequently may be subdivided, developed, or conveyed into smaller lots or parcels.

Project boundaries. The perimeter lot lines encompassing an entire project.

Proposed right-of-way. See right-of-way, proposed.

Protected district. Specific classes of zoning districts which, because of their low intensity or the sensitive land uses permitted by them, require additional buffering and separation when abutted by certain more intense classifications of land use. For the purposes of this article, a protected district shall include any dwelling district, hospital district, parks district, university quarter district, SU-1 (church) district or SU-2 (school) district.

Public street frontage. See frontage, public street.

Rear yard. See yard, rear.

Recreation facility. A place, area or structure designed and equipped for the conduct of sport, leisure time activities and other customary and usual recreational activities.

Recycling container. Receptacle designed and intended for the collection of cleaned, sorted, solid household waste products, including, but not limited to, glass, plastic, metal and paper.

Recycling facility. A recycling operation, the process by which waste products of any type are reduced to raw materials and may further be transformed into new and often different materials.

Recycling station. A recycling operation involving further processing of household recycling materials (relative to a neighborhood recycling collection point) to improve the efficiency of subsequent hauling. Such a facility typically features sorting, the use of a crushing apparatus, and the storage of the material until it is shipped out. A recycling station does not include automotive or construction recycling.

Research laboratory. See laboratory, research.

Required yard. See yard, required.

Retail trade. Establishments engaged in selling goods or merchandise to the general public for personal or household consumption and rendering services incidental to the sale of such goods. The establishment typically buys goods for resale to the public.

Right-of-way. Specific and particularly described strip of land, property, or interest therein devoted to and subject to the lawful use, typically as a thoroughfare of passage for pedestrians, vehicles, or utilities, as officially recorded by the Office of the Marion County Recorder.

Right-of-way, private. Specific and particularly described strip of privately held land, property, or interest therein devoted to and subject to use for general transportation purposes or conveyance of utilities whether or not in actual fact improved or actually used for such purposes, as officially recorded by the Office of the Marion County Recorder.

Right-of-way, proposed. Specific and particularly described land, property, or interest therein devoted to and subject to the lawful public use, typically as a thoroughfare of passage for pedestrians, vehicles, or utilities, as officially described in the Marion County Thoroughfare Plan as adopted and amended by the Metropolitan Development Commission.

Right-of-way, public. Specific and particularly described strip of land, property, or interest therein dedicated to and accepted by the municipality to be devoted to and subject to use by the general public for general transportation purposes or conveyance of utilities whether or not in actual fact improved or actually used for such purposes, as officially recorded by the Office of the Marion County Recorder.

Roof line. The uppermost edge of the water-carrying surface of a building or structure.

Screening. A method of visually shielding or obscuring a nearby structure, building or use on an abutting or adjacent property or lot from another by fencing, walls, berms, or densely planted vegetation.

Setback. The minimum horizontal distance established by ordinance between a proposed right-of-way line or a lot line and the setback line (see Diagram B).

Setback line. A line that establishes the minimum distance a building, structure, or portion thereof, can be located from a lot line or proposed right-of-way line (see Diagram B).

Shrub. A woody plant of relatively low height (not exceeding ten (10) to twelve (12) feet in height), branching from the base.

Side yard. See yard, side.

Sidewalk. A hard-surfaced walk or raised path and any curb ramps or blended transitions along and paralleling the side of the streets for pedestrians. Sidewalks do not include the curb or gutter structures.

Sign. Any structure, fixture, placard, announcement, declaration, device, demonstration or insignia used for direction, information, identification or to advertise or promote any business, product, goods, activity, services or any interests.

Site plan. The development plan, or series of plans, drawn to scale, for one (1) or more lots on which is shown the existing and proposed location and conditions of the lot including as required by ordinance, but not limited to: topography, vegetation, drainage, floodplains, marshes, and waterways; open spaces, walkways, means of ingress and egress, utility services, landscaping, buildings, structures, signs, lighting and screening devices, centerlines of rights-of-way, dimensions.

Storage, outdoor. An outdoor area used for the long-term deposit (more than twenty-four (24) hours) of any goods, material, merchandise, vehicles or junk.

Storage area. An area designated, designed and intended for the purpose of reserving property for a future use and distinguished from areas used for the display of property intended to be sold or leased.

Street, collector. A street primarily designed and intended to carry vehicular traffic movement at moderate speeds (e.g., thirty-five (35) mph) between local streets and arterials while allowing direct access to abutting property(ies) (see Diagram E).

Street, cul-de-sac. A street having only one (1) open end which is permanently terminated by a vehicle turnaround (see Diagram E).

Street, eligible public. Pertaining only to sidewalks, that portion of a public street abutting a lot or project, or that portion of a public street between the lot lines extended from which a lot or project gain access.

Street, expressway. A street so designated by the Official Thoroughfare Plan for Marion County, as amended.

Street, freeway. A street so designated by the Official Thoroughfare Plan for Marion County, as amended.

Street, local. A street primarily designed and intended to carry low volumes of vehicular traffic movement at low speeds (e.g., twenty (20) to thirty (30) mph) within the immediate geographic area with direct access to abutting property(ies) (see Diagram E).

Street, marginal access. A local street with control of access auxiliary to and located on the side of an arterial, thoroughfare, expressway, or freeway for service to abutting property(ies) (see Diagram E).

Street, parkway. A street serving through vehicular traffic and equal to or more than five thousand two hundred eighty (5,280) feet in length, the adjoining land on one (1) or both sides of which is predominantly dedicated or used for park purposes, and shall conform to the comprehensive plan and the thoroughfare plan.

Street, primary arterial. A street so designated by the Official Thoroughfare Plan for Marion County, as amended.

Street, private. A privately held right-of-way, with the exception of alleys, essentially open to the sky and open to the general public for the purposes of vehicular and pedestrian travel affording access to abutting property, whether referred to as a street, road, expressway, arterial, thoroughfare, highway, or any other term commonly applied to a right-of-way for such purposes. A private street may be comprised of pavement, shoulders, curbs, sidewalks, parking space, and the like.

Street, public. A publicly dedicated, accepted and maintained right-of-way, with the exception of alleys, essentially open to the sky and open to the general public for the purposes of vehicular and pedestrian travel affording access to abutting property, whether referred to as a street, road, expressway, arterial, thoroughfare, highway, or any other term commonly applied to a public right-of-way for such purposes. A public street may be comprised of pavement, shoulders, gutters, curbs, sidewalks, parking space, and the like.

Street, secondary arterial. A street so designated by the Official Thoroughfare Plan for Marion County, as amended.

Structure. A combining or manipulation of materials to form a construction, erection, alteration or affixation for use, occupancy, or ornamentation, whether located or installed on, above, or below the surface of land or water.

Subdivision. The division of any parcel of land shown as a unit, as part of a unit or as contiguous units, on the last preceding transfer of ownership thereof, into two (2) or more parcels or lots, for the purpose, whether immediate or future, of transfer of ownership or building development.

Temporary use. An impermanent land use established for a limited and fixed period of time with the intent to discontinue such use upon the expiration of the time period.

Thoroughfare. A street primarily serving through vehicular traffic, including freeways, expressways, primary arterials, and secondary arterials.

Thoroughfare plan. The segment of the Comprehensive Plan for Marion County, Indiana, adopted by the Metropolitan Development Commission of Marion County, Indiana, pursuant to IC 36-7-

4 that sets forth the location, alignment, dimensions, identification and classification of freeways, expressways, parkways, primary arterials, secondary arterials, or other public ways as a plan for the development, redevelopment, improvement, and extension and revision thereof.

Through lot. See lot, through.

Total gross floor area. See gross floor area, total.

Transitional yard. See yard, transitional.

Trash container. Receptacle intended for the disposal, collection or temporary storage of unsorted waste products or refuse.

Trash enclosure. An accessory structure enclosed on at least three (3) sides; designed and intended to screen and protect waste receptacles from view, and to prevent waste debris from dispersing outside the receptacles or enclosure.

Tree survey. An inventory of all trees on a lot or project before construction, alteration or excavation activity occurs identifying species, location, caliper, and dripline of trees. In the case of large, dense tree stands (those exceeding six hundred (600) square feet in area and seventy-five (75) percent branch coverage of the ground surface), the location of the outer boundary of the tree stands' dripline with a listing of the predominant species and caliper is often substituted for a detailed inventory.

Unit. A single, complete entity.

Visibly obstructed. The view of an object which is blocked by a building or other manmade structure so as to be incapable of being seen from that line of sight.

Walkway. A hardsurfaced walk or raised path for pedestrian traffic.

Warehouse. A building used primarily for the storage of goods and materials.

Warehousing. Terminal facilities for handling freight with or without maintenance.

Wholesaling. Establishments or places of business primarily engaged in selling merchandise to retailers; to industrial, commercial, institutional, or professional business users, or to other wholesalers; or acting as agents or brokers and buying merchandise for, or selling merchandise to, such individuals or companies.

Wrecker service. A service in which towing or emergency services are provided to disabled automotive vehicles.

Yard, front. An open space unobstructed to the sky, extending fully across the lot while situated between the front lot line and a line parallel thereto, which passes through the nearest point of any building or structure and terminates at the intersection of any side lot line (see Diagram C).

Yard, rear. An open space unobstructed to the sky extending fully across the lot situated between the rear lot line and a line parallel thereto which passes through the nearest point of any building or structure and terminates at the intersection of any side lot line (see Diagram C).

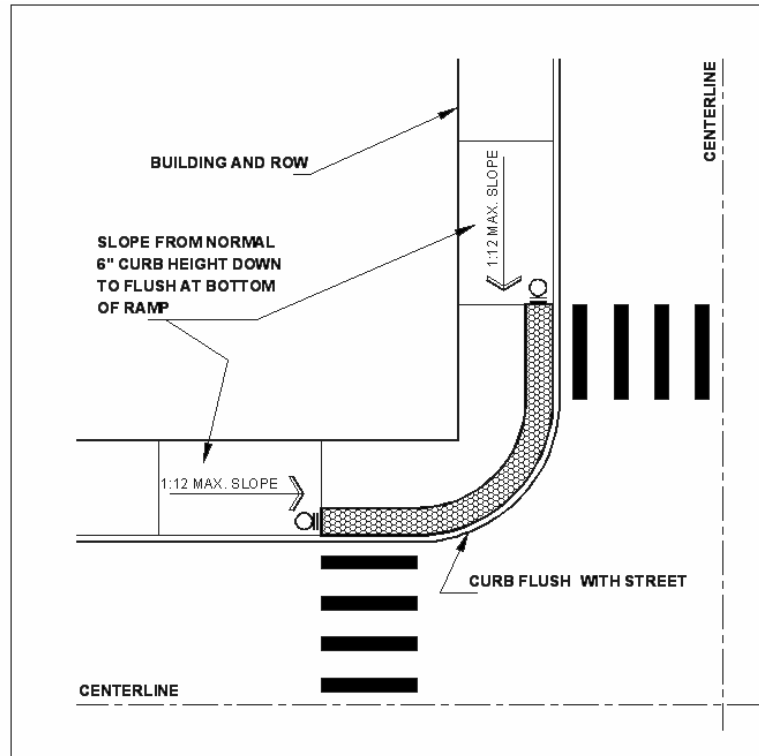
Yard, required. That portion of any yard abutting a lot line having a minimum depth as area required by the particular zoning district in which it is located (see Diagram C).

Yard, side. An open space unobstructed to the sky extending the length of the lot situated between a side lot line and a line parallel thereto which passes through the nearest point of any building or structure and terminates at the point of contact with any rear or front yards or any lot line, whichever occurs first (see Diagram C).

Yard, transitional required. That portion of any yard abutting a protected district having a minimum depth as required by the particular zoning district in which it is located and acting as a buffer between two (2) or more land uses of different intensity. A transitional yard is a required yard, provided in lieu of the minimum required front, side or rear yard specified for the district in which it is located when an above noted protected district abuts (see Diagram C).

Diagram J in the Industrial Districts Zoning Ordinance

Blended
Transition



SECTION 9. Subsection (b)(2) of Section 735-720 of the “Revised Code of the Consolidated City and County,” regarding sidewalks in the Park Districts in the Special Districts Zoning Ordinances of Marion County, Indiana, hereby is amended by the addition of the language which is underscored, to read as follows and to number as needed:

Section 735-720 Park District Regulations

(b) Site and Development Plan Consideration

(2) Site and Development Requirements. Land in the PK-1 and PK-2 Districts is subject to the following site and development requirements. In review of the proposed site and development plan, the Commission shall assess whether such site and development plan, proposed uses, buildings and structures shall:

- a. Be in conformity with the Comprehensive Plan of Marion County, Indiana, including the Comprehensive Park Plan for Marion County, Indiana, adopted by Commission resolution 65-CPS-R-2, as amended;
- b. Create and maintain a desirable, efficient and economical land use with high functional and aesthetic value, attractiveness and compatibility of land uses, with adjacent park and other land uses;
- c. Provide sufficient and adequate access, parking and loading areas;
- d. Provide adequate traffic control and street plan integration with existing and planned public streets and interior access roads;
- e. Provide adequately for sanitation, drainage and public utilities; and

- f. Allocate adequate sites for all uses proposed - the design, character, grade, location, and orientation thereof to be appropriate for the uses proposed, logically related to existing and proposed topographical and other conditions, and consistent with the Comprehensive Plan of Marion County, Indiana, including the Comprehensive Park Plan for Marion County, Indiana.
- g. Provide pedestrian accessibility, which may be paths, sidewalks, trails, or combination thereof, along eligible public streets, excepting interstate, expressway, freeway, as indicated in the current Official Thoroughfare Plan for Marion County, Indiana, and other full control of access frontages as determined by the Administrator. Regional Parks, Natural Resource Areas and Greenways as designated by the department of parks and recreation in the "Indianapolis-Marion County Park, Recreation and Open Space Plan" are exempted from this paragraph.

The Commission may consider and act upon any such proposed use and site and development plan, approve the same in whole or in part, and impose additional development standards, requirements, conditions, or commitments thereon at any public hearing of the Commission.

SECTION 10. Subsection (b)(2) of Section 735-730 of the "Revised Code of the Consolidated City and County," regarding sidewalks in the Hospital Districts in the Special Districts Zoning Ordinances of Marion County, Indiana, hereby is amended by the addition of the language which is underscored, to read as follows and to number as needed:

Section 735-730 Hospital District Regulations

(B) Site and Development Plan Consideration

(2) *Site and Development Requirements.* Land in the HD-1 and HD-2 Districts is subject to the following site and development requirements. In review of the proposed site and development plan, the Commission shall assess whether the site and development plan, proposed use, buildings and structures shall:

- a. Be so designed as to create a superior land development plan, in conformity with the Comprehensive Plan of Marion County, Indiana;
- b. Create and maintain a desirable, efficient and economical use of land with high functional and aesthetic value, attractiveness and compatibility of land uses, within the hospital district and with adjacent uses;
- c. Provide sufficient and adequate access, parking and loading areas;
- d. Provide traffic control and street plan integration with existing and planned public streets and interior roads;
- e. Provide adequately for sanitation, drainage and public utilities; and
- f. Allocate adequate sites for all uses proposed - the design, character, grade, location and orientation thereof to be appropriate for the uses proposed, logically related to existing and proposed topographical and other conditions, and consistent with the Comprehensive Plan of Marion County, Indiana.
- g. Provide sidewalks along eligible public streets, excepting interstate, expressway, freeway, as indicated in the current Official Thoroughfare Plan for Marion County, Indiana, and other full control of access frontages as determined by the Administrator; and, pedestrian accessibility to available public transit. Sidewalks shall consist of the walkway and any curb ramps or blended transitions. If required to be installed, the Administrator or the Commission shall be guided by the provisions of Sec. 732-214(c)(5) for the installation of sidewalks in the C-S District.

The Commission may consider and act upon any such proposed use and site and development plan, approve the same in whole or in part, and impose additional development standards, requirements, conditions, or commitments thereon at any public hearing of the Commission.

SECTION 11. Subsection (b)(2) of Section 735-740 of the "Revised Code of the Consolidated City and County," regarding sidewalks in the University Quarter Districts in the Special Districts Zoning

Ordinances of Marion County, Indiana, hereby is amended by the addition of the language which is underscored, to read as follows and to number as needed:

Section 735-740 University Quarter District Regulations

(b) Site and Development Plan Consideration

(2) Site and Development Requirements. In review of the proposed site and development plan, the Commission shall assess whether the site and development plan, proposed uses, buildings or structures shall:

- a. Be so designed as to create a superior land development plan, in conformity with the Comprehensive Plan of Marion County, Indiana, including the applicable University Quarter Plan;
- b. Create and maintain a desirable, efficient and economical use of land with high functional and aesthetic value, attractiveness and compatibility of land uses, within the University Quarter District and with adjacent uses;
- c. Provide sufficient and adequate access, parking and loading areas; except, however, such primary group dwelling parking area shall not be located within the subject site, but shall be provided within five hundred (500) feet thereof in the adjacent UQ-1 District;
- d. Provide traffic control and street plan integration with existing and planned public streets and interior access roads;
- e. Provide adequately for sanitation, drainage and public utilities; and
- f. Allocate adequate sites for all uses proposed - the design, character, grade, location and orientation thereof to be appropriate for the uses proposed, logically related to existing and proposed topographical and other conditions, and consistent with the Comprehensive Plan of Marion County, Indiana, including the applicable University Quarter Plan. The Commission may consider and act upon such petition, approve the same in whole or in part, and impose additional development standards, requirements, conditions, or commitments thereon at any public meeting of the Commission.
- g. Provide sidewalks along eligible public streets, excepting interstate, expressway, freeway, as indicated in the current Official Thoroughfare Plan for Marion County, Indiana, and other full control of access frontages as determined by the Administrator; and, pedestrian accessibility to available public transit. Sidewalks shall consist of the walkway and any curb ramps or blended transitions. If required to be installed, the Administrator or the Commission shall be guided by the provisions of Sec. 732-214(c)(5) for the installation of sidewalks in the C-S District.

SECTION 12. Subsection (b)(2) of Section 735-750 of the "Revised Code of the Consolidated City and County," regarding sidewalks in the Special Use Districts in the Special Districts Zoning Ordinances of Marion County, Indiana, hereby is amended by the addition of the language which is underscored, to read as follows and to number as needed:

Section 735-750 Special Uses District Regulations

(b) Site and Development Plan Consideration

(2) Site and Development Requirements. Land in the SU Districts is subject to the following site and development requirements. In review of the proposed site and development plan, the Commission shall assess whether the site and development plan, proposed uses, buildings and structures shall:

- a. Be so designed as to create a superior land development plan, in conformity with the Comprehensive Plan of Marion County, Indiana, including the applicable university quarter plan;
- b. Create and maintain a desirable, efficient and economical use of land with high functional and aesthetic value, attractiveness and compatibility of land uses, within the Special Use District and with adjacent uses;

- c. Provide sufficient and adequate access, parking and loading areas;
- d. Provide traffic control and street plan integration with existing and planned public streets and interior access roads;
- e. Provide adequately for sanitation, drainage and public utilities; and
- f. Allocate adequate sites for all uses proposed - the design, character, grade, location and orientation thereof to be appropriate for the uses proposed, logically related to existing and proposed topographical and other conditions, and consistent with the Comprehensive Plan of Marion County, Indiana.
- g. Provide sidewalks along eligible public streets, excepting interstate, expressway, freeway, as indicated in the current Official Thoroughfare Plan for Marion County, Indiana, and other full control of access frontages as determined by the Administrator; and, pedestrian accessibility to available public transit. Sidewalks shall consist of the walkway and any curb ramps or blended transitions. If required to be installed, the Administrator or the Commission shall be guided by the provisions of Sec. 732-214(c)(4) for the installation of sidewalks.

Exception: Golf courses that exist prior to July 1, 2008, in the SU3, SU10 and SU34 Districts, shall not be required to provide sidewalks or pedestrian accessibility. For golf courses that are established after July 1, 2008, in the SU3, SU10 and SU34 Districts, the Commission shall assess the provision of sidewalks along eligible public streets, excepting interstate, expressway, freeway, as indicated in the current Official Thoroughfare Plan for Marion County, Indiana, and other full control of access frontages as determined by the Administrator; and, pedestrian accessibility to available public transit. If required to be installed, the Administrator or the Commission shall be guided by the provisions of Sec. 732-214(c)(5) for the installation of sidewalks in the C-S district.

SECTION 13. Subsection (b) of Section 735-751 of the "Revised Code of the Consolidated City and County," regarding definitions and diagrams and diagrams in the Special Districts Zoning Ordinances of Marion County, Indiana, hereby is amended by the deletion of the language that is stricken-through and by the addition of the language which is underscored, to read as follows and to number as needed:

SECTION 735-751 Construction of Language and Definitions

(b) Definitions.

Administrator. Administrator of the division of planning or his/her appointed representative. Where the 1400 series of IC-36-7-4 gives authority to perform a function to Commission staff, the Administrator, or his/her appointed representative, shall be deemed to be Commission staff.

Assisted-living facility. A residential facility that provides a combination of housing, social activity, supportive services, personalized assistance, and health care, designed to foster independent living, yet respond to the individual needs of those who need help with activities of daily living (ADL - for purposes of this definition this means such activities as walking, eating, dressing, bathing, toileting, and transfer between, or in and out of a chair or bed) and instrumental activities of daily living (IADL - for purposes of this definition this means activities such as doing laundry, cleaning of living areas, meal preparation, engaging in recreational or leisure activities, taking medications properly, managing money and conducting business affairs, using public transportation, writing letters, or using the telephone). Supportive services are available twenty-four (24) hours a day to meet scheduled and unscheduled needs of residents. Such facilities are not licensed as a nursing home. Facilities have single- or double-occupancy living units which contain most dwelling unit features, such as lockable units, a food preparation area, and a full bathroom facility.

Blended transitions. A connection with a grade of five (5) percent or less between the level of the pedestrian walkway and the level of the crosswalk. (See Diagram A)

Building. Any structure designed or intended for the support, enclosure, shelter, or protection of persons, animals, or property of any kind, having a permanent roof supported by columns or walls.

Commission. The Metropolitan Development Commission of Marion County, Indiana.

Commitment. An official agreement concerning and running with the land as recorded in the Office of the Marion County Recorder.

Condition. An official agreement between the municipality and the petitioner concerning the use or development of the land as imposed by the Board of Zoning Appeals.

Curb ramps. A perpendicular or parallel ramp and its landing that cuts through or is built up to the curb.

Full control of access. The condition where the right of the owner(s) or occupant(s) of abutting property(ies), or of other persons, to access the property(ies), including the location and connection with public streets, is controlled by public authority. Full control of access gives preference to through vehicular traffic movement, by providing access connections with selected public streets only, by limiting crossings at grade and by prohibiting direct driveway connections. Such frontages include, but are not limited to, the frontages along: Binford Boulevard; North Shadeland Avenue between 48th Street to the Fall Creek waterway; and North Keystone Avenue between Woodfield Crossing Boulevard and 96th Street.

Gross floor area. The number of the square feet of horizontal floor area of a building measured from the exterior faces of the exterior walls or from the centerline of a wall separating two (2) abutting buildings.

Hardsurfaced. Quality of an outer area being solidly constructed of pavement, brick, paving stone, or a combination thereof.

Height, building. The vertical distance above a reference line measured to the highest point of the coping of a flat roof or to the deck line of a mansard roof or to the height of the highest gable of a pitched or hipped roof. The reference line shall be selected by either of the following, whichever yields a greater building height:

- (1) The elevation of the highest adjoining sidewalk or ground surface within a ten-foot horizontal distance from and paralleling the exterior wall of the building or structure when the sidewalk or ground surface is not more than ten (10) feet above lowest grade;
- (2) An elevation ten (10) feet higher than the lowest grade when the sidewalk or ground surface is more than ten (10) feet above the lowest grade.

Legally established nonconforming building or structure. Any continuous, lawfully established building or structure erected or constructed prior to the time of adoption, revision or amendment or granted variance of the zoning ordinance, but which fails, by reason of such adoption, revision, amendment or variance, to conform to the present requirements of the zoning district.

Legally established nonconforming use. Any continuous, lawful land use having commenced prior to the time of adoption, revision or amendment, or grant of a variance of the zoning ordinance but which fails, by reason of such adoption, revision, amendment, or variance to conform to the present requirements of the zoning district.

Lot line. The legal boundary of a lot as recorded in the Office of the Marion County Recorder.

Lot line, front. The lot line(s) coinciding with the street rights-of-way; in the case of a corner lot, both lot lines coinciding with the street rights-of-way shall be considered front lot

lines; or in the case of a through lot, the lot line which most closely parallels the primary entrance to the primary structure shall be considered the front lot line, or so declared by the Administrator.

Lot line, rear. A lot line which is opposite and most distant from the front lot line, or in the case of a triangularly shaped lot, a line ten (10) feet in length within the lot, parallel to and at the maximum distance from the front lot line. However, in the case of a corner lot, any lot line which intersects with a front lot line shall not be considered a rear lot line.

Lot line, side. Any lot line not designated as a front or rear lot line.

Open dumping. A site where refuse is dumped, which due to lack of control may create a breeding place for flies and rats, may catch fire or produce air pollution.

Permitted use. Any use by right authorized in a particular zoning district or districts and subject to the restrictions applicable to that zoning district.

Religious use. A land use devoted primarily to divine worship together with reasonably related accessory uses, which are subordinate to and commonly associated with the primary use, which may include but are not limited to, educational, instructional, social or residential uses.

Sanitary landfill. A method of disposing of refuse on land without creating nuisances or hazards to public health, safety, or welfare by utilizing principals of engineering to confine the refuse to the smallest practical area, to reduce it to the smallest practical volume, covering it with a layer of suitable cover at the conclusion of each day's operation or at more frequent intervals as necessary.

Setback. The minimum horizontal distance established by ordinance between a proposed right-of-way line or a lot line and the setback line.

Setback line. A line that establishes the minimum distance a building, structure, or portion thereof, can be located from a lot line or proposed right-of-way line.

Sidewalk. A hard-surfaced walk or raised path and any curb ramps or blended transitions along and paralleling the side of the streets for pedestrians. Sidewalks do not include the curb or gutter structures.

Site plan. The plan, or series of plans, drawn to scale, for one (1) or more lots on which is shown the existing and proposed location and conditions of the lot including as required by the Improvement Location Permit ordinance, but not limited to: topography, vegetation, drainage, floodplains, marshes, and waterways; open spaces, walkways, means of ingress and egress, utility services, landscaping, buildings, structures, signs, lighting and screening devices, centerlines of rights-of-way, and dimensions.

Street, eligible public. Pertaining only to sidewalks, that portion of a public street abutting a lot or project, or that portion of a public street between the lot lines extended from which a lot or project gain access.

Structure. A combining or manipulation of materials to form a construction, erection, alteration or affixation for use, occupancy, or ornamentation, whether located or installed on, above, or below the surface of land or water.

Thoroughfare. The segment of the Comprehensive Plan for Marion County, Indiana, adopted by the Metropolitan Development Commission of Marion County, Indiana, pursuant to IC-36-7-4 that sets forth the location, alignment, dimensions, identification and classification of freeways, expressways, parkways, primary arterials, secondary arterials, or other public ways as a plan for the development, redevelopment, improvement, and extension and revision thereof.

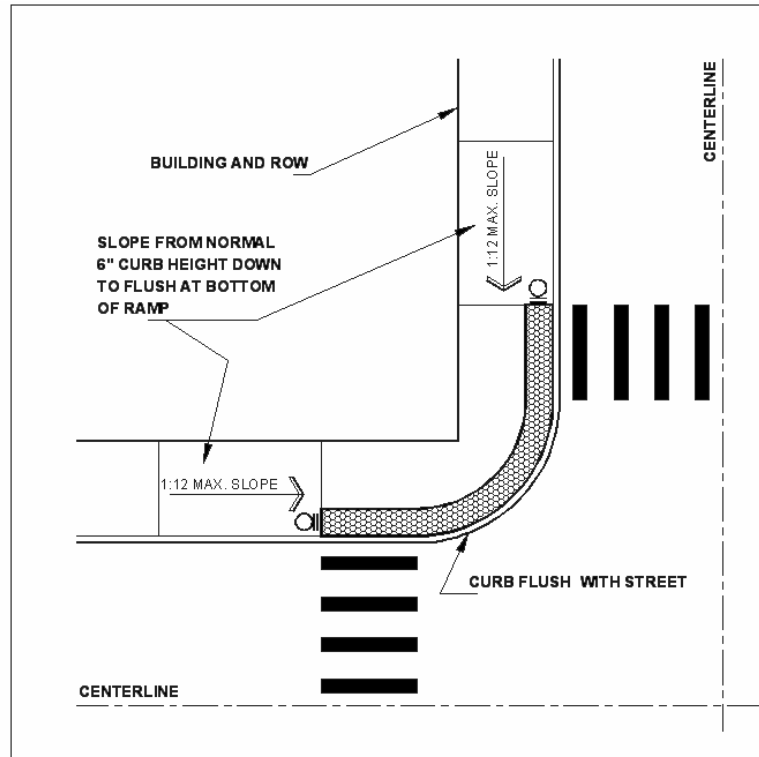
Yard, front. An open space unobstructed to the sky, extended fully across the lot while situated between the front lot line and a line parallel thereto, which passes through the nearest point of any building or structure and terminates at the intersection of any side lot line.

Yard, rear. An open space unobstructed to the sky extending fully across the lot situated between the rear lot line and a line parallel thereto which passes through the nearest point of any building or structure and terminates at the intersection of any side lot line.

Yard, side. An open space unobstructed to the sky extending the length of the lot situated between a side lot line and a line parallel thereto which passes through the nearest point of any building or structure and terminates at the point of contact with any rear or front yards or any lot line, whichever occurs first.

Diagram A in the Special Districts Zoning Ordinance

Blended
Transition



SECTION 14. The expressed or implied repeal or amendment by this ordinance of any other ordinance or part of any other ordinance does not affect any rights or liabilities accrued, penalties incurred, or proceedings begun prior to the effective date of this ordinance. Those rights, liabilities, and proceedings are continued, and penalties shall be imposed and enforced under the repealed or amended ordinance as if this ordinance had not been adopted.

SECTION 15. Should any provision (section, paragraph, sentence, clause, or any other portion) of this ordinance be declared by a court of competent jurisdiction to be invalid for any reason, the remaining provision or provisions shall not be affected, if and only if such remaining provisions can, without the invalid provision or provisions, be given the effect intended in adopting this ordinance. To this end, the provisions of this ordinance are severable.

SECTION 16. This ordinance shall be in effect on July 1, 2008.

PROPOSAL NO. 122, 2008. Councillor Pfisterer reported that the Administration and Finance Committee heard Proposal No. 122, 2008 on March 25, 2008. The proposal, sponsored by Councillors Lutz, Cardwell and Sanders, transfers \$35,668 in the 2008 Budget of the Cable Communications Agency (Consolidated County Fund) to provide funds to pay a 2007 Educational Television Cooperative (ETC) grant to the University of Indianapolis and designates

April 14, 2008

the University of Indianapolis as the recipient of the 2008 grant. By a 5-0 vote, the Committee reported the proposal to the Council with the recommendation that it do pass. Councillor Pfisterer moved, seconded by Councillor Sanders, for adoption. Proposal No. 122, 2008 was adopted on the following roll call vote; viz:

28 YEAS: Bateman, Brown, Cain, Cardwell, Cockrum, Coleman, Day, Gray, Hunter, Lutz, Mahern (B), Mahern (D), Malone, Mansfield, McHenry, McQuillen, Minton-McNeill, Moriarty Adams, Nytes, Oliver, Pfisterer, Plowman, Pryor, Sanders, Scales, Smith, Speedy, Vaughn
0 NAYS:
1 ABSENT: Evans

Proposal No. 122, 2008 was retitled FISCAL ORDINANCE NO. 16, 2008, and reads as follows:

CITY-COUNTY FISCAL ORDINANCE NO. 16, 2008

A FISCAL ORDINANCE amending the City-County Annual Budget for 2008 (City-County Fiscal Ordinance No. 78, 2007) by transferring and appropriating Thirty Five Thousand Six Hundred Sixty-eight Dollars (\$35,668) in the Consolidated County Fund for purposes of the Cable Communications Agency, and reducing certain other accounts for that agency. The designated recipient of the 2008 Educational Television Cooperative grant is also hereby changed from Indiana University to the University of Indianapolis.

BE IT ORDAINED BY THE CITY-COUNTY COUNCIL OF THE
CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA:

SECTION 1. To provide for expenditures the necessity for which has arisen since the adoption of the annual budget, Sections 1.01(e) and 4.01 [c] of the City-County Annual Budget for 2008 be, and are hereby, amended by the increases and reductions hereinafter stated for purposes of the Cable Communications Agency, to provide funds to pay an Educational Television Cooperative (ETC) grant to the University of Indianapolis that was originally approved to be paid in 2007 to Indiana University, funded by a transfer between characters. This proposal also designates the University of Indianapolis as the recipient of the 2008 ETC grant.

SECTION 2. The sum of Thirty Five Thousand Six Hundred Sixty-eight Dollars (\$35,668) be, and the same is hereby transferred and appropriated for the purposes as shown in Section 3 by reducing the accounts as shown in Section 4.

SECTION 3. The following additional appropriation is hereby approved:

<u>CABLE COMMUNICATIONS AGENCY</u>	<u>CONSOLIDATED COUNTY FUND</u>
1. Personal Services	0
2. Supplies	0
3. Other Services and Charges	35,668
4. Capital Outlay	0
5. Internal Charges	0
TOTAL INCREASE	35,668

SECTION 4. The said increased appropriation is funded by the following reductions:

<u>CABLE COMMUNICATIONS AGENCY</u>	<u>CONSOLIDATED COUNTY FUND</u>
1. Personal Services	11,400
2. Supplies	0
3. Other Services and Charges	0
4. Capital Outlay	24,268
5. Internal Charges	0
TOTAL DECREASE	35,668

SECTION 5. Section 4.01 [c] of the 2008 Annual Budget ordinance (City-County Fiscal Ordinance No. 78, 2007) is hereby amended by designating the University of Indianapolis as the recipient of the 2008 ETC grant, instead of Indiana University.

SECTION 6. This ordinance shall be in full force and effect upon adoption and compliance with IC 36-3-4-14.

PROPOSAL NO. 125, 2008. Councillor Plowman reported that the Metropolitan Development Committee heard Proposal No. 125, 2008 on March 31, 2008. The proposal, sponsored by Councillors Pfisterer and Nytes, amends the Code to clarify the procedures and eligibility of certain corporations to receive real property from the Metropolitan Development Commission under IC 36-7-15.1-15.1 and 22.5(e)(3). By a 6-0 vote, the Committee reported the proposal to the Council with the recommendation that it do pass. Councillor Plowman moved, seconded by Councillor Day, for adoption. Proposal No. 125, 2008 was adopted on the following roll call vote; viz:

28 YEAS: Bateman, Brown, Cain, Cardwell, Cockrum, Coleman, Day, Gray, Hunter, Lutz, Mahern (B), Mahern (D), Malone, Mansfield, McHenry, McQuillen, Minton-McNeill, Moriarty Adams, Nytes, Oliver, Pfisterer, Plowman, Pryor, Sanders, Scales, Smith, Speedy, Vaughn
0 NAYS:
1 ABSENT: Evans

Proposal No. 125, 2008 was retitled GENERAL ORDINANCE NO. 5, 2008, and reads as follows:

CITY-COUNTY GENERAL ORDINANCE NO. 5, 2008

PROPOSAL FOR A GENERAL ORDINANCE to amend the Revised Code to clarify the procedures and eligibility of certain corporations to receive real property from the Metropolitan Development Commission under IC 36-7-15.1-15.1 and IC 36-7-15.1-22.5(e)(3).

BE IT ORDAINED BY THE CITY-COUNTY COUNCIL OF THE
CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA:

SECTION 1. Section 186-4 of the "Revised Code of the Consolidated City and County," regarding determination of eligibility of certain neighborhood development corporations and nonprofit corporations for sales and grants of real property, hereby is amended by the deletion of the language that is stricken-through, and by the addition of the language that is underscored, to read as follows:

Sec. 186-4. Determination of eligibility of neighborhood development corporations and nonprofit corporations for sales and grants of real property under IC 36-7-15.1-15.1 and IC 36-7-15.1-22.5(e)(3).

(a) When disposing of real property by sale or grant under IC 36-7-15.1-15.1 or IC 36-7-15.1-22.5(e)(3), the Metropolitan Development Commission shall only sell or grant to a nonprofit corporation or neighborhood development corporation, ~~meeting that meets~~ the following criteria:

- (1) It shall have, as a major corporate purpose and function, the provision of housing for low or moderate income families within the geographic area in which the parcel of property is located;
- (2) It shall have been established for at least one (1) year, and provide evidence of its 501(c)(3) status with a certificate of good standing; and
- (3) It shall have demonstrated its capacity to complete the project;
- (4) It shall not be in arrears on any taxes or special assessments on any real property that it owns; and
- (35) It shall, prior to receiving title to the real property, have filed, and complied with the terms of; a "project development agreement" in the form determined by the Metropolitan Development Commission, ~~which shall require, among other terms, that prior to the transfer of title to the real estate to it;~~

April 14, 2008

- ~~a. All affected registered neighborhood associations will have been notified and either agreed to the project or have been granted the opportunity for hearing before the commission; and~~
 - ~~b. An acceptable and feasible financial plan for the intended redevelopment has been presented to and approved by the director or the director's designee.~~
- ~~(b) The City County Council of the City of Indianapolis and of Marion County, Indiana, determines that so long as they operate in compliance with the criteria in subsection (a), the following nonprofit corporations and neighborhood development corporations meet the criteria established herein:~~
- ~~(1) Business Opportunity Systems Community Development Corporation;~~
 - ~~(2) Community Action of Greater Indianapolis;~~
 - ~~(3) Concord Community Development Corporation;~~
 - ~~(4) Eastside Community Investments, Inc.;~~
 - ~~(5) Indianapolis Neighborhood Housing Partnership;~~
 - ~~(6) King Park Area Development Corporation;~~
 - ~~(7) Mapleton Fall Creek Housing Development Corporation;~~
 - ~~(8) Martindale-Brightwood Community Development Corporation;~~
 - ~~(9) Martin Luther King Community Development Corporation;~~
 - ~~(10) Meridian-Kessler Development Corporation;~~
 - ~~(11) Near North Development Corporation;~~
 - ~~(12) Riley Area Revitalization Program;~~
 - ~~(13) Southeast Neighborhood Development, Inc.;~~
 - ~~(14) United Northwest Area Development Corporation;~~
 - ~~(15) West Indianapolis Development Corporation;~~
 - ~~(16) Westside Community Development Corporation;~~
 - ~~(17) Williams, Howard, Wright, Inc.;~~
 - ~~(18) Habitat for Humanity;~~
 - ~~(19) Historic Landmarks Foundation;~~
 - ~~(20) Consortium Foundation, Inc.;~~
 - ~~(21) Redevelopment/Revitalization of the Southside Community;~~
 - ~~(22) Indiana Black Expo Economic Development Corporation;~~
 - ~~(23) United Northeast Development Corporation;~~
 - ~~(24) Midtown Economic Development and Industrial Corporation.~~
- ~~(b) Prior to the transfer of title to any real property under this section:~~
- ~~(1) All affected registered neighborhood associations shall have been notified and either agreed to the project or have been granted the opportunity for hearing before the Commission; and~~
 - ~~(2) An acceptable and feasible financial plan for the intended redevelopment has been presented to and approved by the director or the director's designee.~~

SECTION 2. The expressed or implied repeal or amendment by this ordinance of any other ordinance or part of any other ordinance does not affect any rights or liabilities accrued, penalties incurred, or proceedings begun prior to the effective date of this ordinance. Those rights, liabilities, and proceedings are continued, and penalties shall be imposed and enforced under the repealed or amended ordinance as if this ordinance had not been adopted.

SECTION 3. Should any provision (section, paragraph, sentence, clause, or any other portion) of this ordinance be declared by a court of competent jurisdiction to be invalid for any reason, the remaining provision or provisions shall not be affected, if and only if such remaining provisions can, without the invalid provision or provisions, be given the effect intended by the Council in adopting this ordinance. To this end the provisions of this ordinance are severable.

SECTION 4. This ordinance shall be in effect from and after its passage by the Council and compliance with Ind. Code § 36-3-4-14.

Councillor Hunter reported that the Public Works Committee heard Proposal Nos. 133 and 134, 2008 on April 3, 2008. He asked for consent to vote on these proposals together. Consent was given.

PROPOSAL NO. 133, 2008. The proposal, sponsored by Councillors Plowman and Moriarty Adams, establishes that the City-County Council is interested in making the purchase of specified land owned by Russell E. Flagle which is necessary for the construction of a septic tank elimination and stormwater drainage improvements project. PROPOSAL NO. 134, 2008. The proposal, sponsored by Councillors Hunter, Mansfield, Sanders and Evans, authorizes and approves the execution of an agreement between the Consolidated City of Indianapolis, Marion County, Indiana and Hamilton County, Indiana for the construction of highway and drainage improvements Marion and Hamilton counties. Councillor Sanders asked how much the cost exceeds \$25,000. Councillor Hunter stated that the requirements are that any property of value over \$25,000 must receive approval from the Council for purchase. The average of appraisals for this particular piece is just a little over \$42,000. By 6-0 votes, the Committee reported the proposals to the Council with the recommendation that they do pass. Councillor Hunter moved, seconded by Councillor Pfisterer, for adoption. Proposal Nos. 133 and 134, 2008 were adopted on the following roll call vote; viz:

28 YEAS: Bateman, Brown, Cain, Cardwell, Cockrum, Coleman, Day, Gray, Hunter, Lutz, Mahern (B), Mahern (D), Malone, Mansfield, McHenry, McQuillen, Minton-McNeill, Moriarty Adams, Nytes, Oliver, Pfisterer, Plowman, Pryor, Sanders, Scales, Smith, Speedy, Vaughn
0 NAYS:
1 ABSENT: Evans

Proposal No. 133, 2007 was retitled GENERAL RESOLUTION NO. 6, 2008, and reads as follows:

CITY-COUNTY GENERAL RESOLUTION NO. 6, 2008

A GENERAL RESOLUTION establishing that the City-County Council of the City of Indianapolis and Marion County, Indiana, is interested in making the purchase of specified land.

WHEREAS, the City-County Council of the City of Indianapolis and Marion County, Indiana, ("City-County Council") is the fiscal body of the City of Indianapolis pursuant to IC 36-1-10.5-1, et seq; and

WHEREAS, pursuant to IC 36-1-10.5-5 the City of Indianapolis may purchase land only after the City-County Council passes a resolution to the effect that the City-County Council is interested in making a purchase of specified land; and

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WHEREAS, the City of Indianapolis wishes to purchase fee simple, perpetual flood protection levee easements, and temporary work/storage area easements upon a particular parcel of real estate located in Marion County, which are described in Exhibit "A", and shown in Exhibit "B", which are attached hereto and incorporated herein, ("Real Estate Easements"); and

WHEREAS, the project for which these easements are being obtained contains more than 900 properties and is designed to provide sanitary sewers, manholes, and lift stations, as well as drainage improvements to reduce or eliminate standing water in streets and flooding in yards during wet weather; and

WHEREAS, the City-County Council, having considered the acquisition of the Real Estate Easements and being duly advised, finds that the City-County Council has an interest in acquiring the Real Estate Easements; now, therefore:

BE IT RESOLVED BY THE CITY-COUNTY COUNCIL OF THE
CITY OF INDIANAPOLIS AND MARION COUNTY, INDIANA:

SECTION 1. The City-County Council hereby establishes that the City-County Council has an interest in acquiring the Real Estate Easements described in Exhibit "A" (a copy of which is attached to the official copy of the resolution on file with the Clerk of the Council).

SECTION 2. For purposes of Revised Code Sec. 151-66 the Real Estate is owned by Russell E. Flagle, through an Executor's Deed which was recorded in the office of the Marion County Recorder as Instrument Number 1995-0035786, less a sell off in General Warranty Deed, Instrument Number 2003-0058231.

SECTION 3. This resolution shall be in full force and effect upon adoption and compliance with IC 36-3-4-14.

Proposal No. 134, 2007 was retitled SPECIAL ORDINANCE NO. 2, 2008, and reads as follows:

CITY-COUNTY SPECIAL ORDINANCE NO. 2, 2008

A SPECIAL ORDINANCE approving and authorizing execution of an agreement between the City of Indianapolis and Hamilton County, Indiana, for the exercise of eminent domain authority and the construction of highway and drainage improvements in Marion County, Indiana, and Hamilton County, Indiana.

WHEREAS, the Board of Public Works, by Resolution No. 8, 2008, approved an agreement between the Consolidated City of Indianapolis, Marion County, Indiana, and Hamilton County, Indiana, for the exercise of eminent domain authority and the construction of highway and drainage improvements to 96th Street from approximately 400 feet east of US 421 to Sycamore Road, east of Shelborne Road, in Marion County, Indiana, and authorized the Director of the Department of Public Works to sign said agreement on behalf of the Consolidated City of Indianapolis, Marion County, Indiana; and

WHEREAS, said agreement is in the best interest of the Consolidated City of Indianapolis, Marion County, Indiana, now therefore:

BE IT ORDAINED BY THE CITY-COUNTY COUNCIL OF THE
CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA

SECTION 1. The Interlocal Agreement between the Consolidated City of Indianapolis, Marion County, Indiana, and Hamilton County, Indiana, as approved by the Board of Public Works by Resolution No. 8, 2008, is hereby approved and ratified, and the Clerk is directed to attach a copy of such Board of Public Works Resolution and agreement to the official copy of this Special Ordinance, and insert a copy of the same into the permanent minutes of the Council.

SECTION 2. The Director of the Department of Public Works is authorized to execute said agreement on behalf of the Consolidated City of Indianapolis, Marion County, Indiana.

SECTION 3. Hamilton County, Indiana, is hereby authorized to exercise eminent domain authority and construct highway and drainage improvements to 96th Street from approximately 400 feet east of US 421 to Sycamore Road, east of Shelborne Road, in Marion County, Indiana, and Hamilton County, Indiana, in compliance with IC 36-1-3-9 (c), IC 36-1-7-2, IC 36-1-7-3, IC 36-3-4- 18 (a), IC 36 -9-2-17 and IC 36-9-2-18.

SECTION 4. This Special Ordinance shall be in full force and effect upon adoption and compliance with IC 36-3-4-14.

Councillor Hunter reported that the Public Works Committee heard Proposal Nos. 136-138, 2008 on April 3, 2008. He asked for consent to vote on these proposals together. Consent was given.

PROPOSAL NO. 136, 2008. The proposal, sponsored by Councillor Hunter, authorizes intersection controls at Washington Pointe Drive and 10th Street (District 21). PROPOSAL NO. 137, 2008. The proposal, sponsored by Councillor Cain, authorizes parking restrictions in the Eagle Nest Subdivision (District 5). PROPOSAL NO. 138, 2008. The proposal, sponsored by Councillor Hunter, authorizes a 25-mile per hour speed limit within the Hidden Lakes subdivision (District 21). By 6-0 votes, the Committee reported the proposals to the Council with the recommendation that they do pass. Councillor Hunter moved, seconded by Councillor Moriarty Adams, for adoption. Proposal Nos. 136-138, 2008 were adopted on the following roll call vote; viz:

28 YEAS: Bateman, Brown, Cain, Cardwell, Cockrum, Coleman, Day, Gray, Hunter, Lutz, Mahern (B), Mahern (D), Malone, Mansfield, McHenry, McQuillen, Minton-McNeill, Moriarty Adams, Nytes, Oliver, Pfisterer, Plowman, Pryor, Sanders, Scales, Smith, Speedy, Vaughn
0 NAYS:
1 ABSENT: Evans

Proposal No. 136, 2008 was retitled GENERAL ORDINANCE NO. 6, 2008, and reads as follows:

CITY-COUNTY GENERAL ORDINANCE NO. 6, 2008

A GENERAL ORDINANCE amending the "Revised Code of the Consolidated City and County," Sec. 441-416, Schedule of intersection controls.

BE IT ORDAINED BY THE CITY-COUNTY COUNCIL OF THE
CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA:

SECTION 1. The "Revised Code of the Consolidated City and County," specifically, Sec. 441-416, Schedule of intersection controls, be and the same is hereby amended by the addition of the following, to wit:

<u>BASE MAP</u>	<u>INTERSECTION</u>	<u>PREFERENTIAL</u>	<u>TYPE OF CONTROL</u>
28	Washington Pointe Dr 10 th St	10 th St	Stop

SECTION 2. This ordinance shall be in full force and effect upon adoption and compliance with IC 36-3-4-14.

Proposal No. 137, 2008 was retitled GENERAL ORDINANCE NO. 7, 2008, and reads as follows:

CITY-COUNTY GENERAL ORDINANCE NO. 7, 2008

A GENERAL ORDINANCE amending the "Revised Code of the Consolidated City and County," Sec. 621-121, Parking prohibited at all times on certain streets.

BE IT ORDAINED BY THE CITY-COUNTY COUNCIL OF THE
CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA:

SECTION 1. The "Revised Code of the Consolidated City and County," specifically, Sec. 621-121, Parking prohibited at all times on certain streets, be and the same is hereby amended by the addition of the following, to wit:

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Tanager Lane, on both sides,
From Hague Road to a point 125 feet east of Hague Road

Teel Way, on both sides,
From a point 200 feet south of 82nd Street to 82nd Street

SECTION 2. This ordinance shall be in full force and effect upon adoption and compliance with IC 36-3-4-14.

Proposal No. 138, 2008 was retitled GENERAL ORDINANCE NO. 8, 2008, and reads as follows:

CITY-COUNTY GENERAL ORDINANCE NO. 8, 2008

A PROPOSAL FOR A GENERAL ORDINANCE amending the "Revised Code of the consolidated City and County," Chapter 441, Traffic, Sec. 441-323, Alteration of prima facie speed limits.

BE IT ORDAINED BY THE CITY-COUNTY COUNCIL OF THE
CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA:

SECTION 1. The "Revised Code of the Consolidated City and County," specifically, Sec. 441-323, Alteration of prima facie speed limits, for the following streets within the boundaries of the Hidden Lakes subdivision, be, and the same is hereby amended by the addition of the following, to-wit:

25 MILES PER HOUR

Bear Hollow Drive from German Church Road to Woodland Trail Drive

Woodland Trail Drive from Bear Hollow Drive to a point 600 feet south of Clearspring Way

Clearspring Way from Woodland Trail Drive to a point 375 feet East of Woodland Trail Drive

SECTION 2. This ordinance shall be in full force and effect upon adoption and compliance with IC 36-3-4-14.

PROPOSAL NO. 143, 2008. Councillor Vaughn reported that the Rules and Public Policy Committee heard Proposal No. 143, 2008 on April 1, 2008. The proposal, sponsored by Councillors Hunter, Plowman, Cardwell, McQuillen, Cain, Coleman and Mansfield, requires the campaign financing reports of candidates for certain city and county offices to be timely filed on the website of the Marion County Clerk. By a 6-0 vote, the Committee reported the proposal to the Council with the recommendation that it do pass as amended. Councillor Lutz moved, seconded by Councillor Cain, for adoption.

Councillor Mansfield stated that the Election Board was already in the process of doing this, and were actually looking at doing past reports as well. This will solidify the process from the standpoint of the Council.

Proposal No. 143, 2008, as amended, was adopted on the following roll call vote; viz:

28 YEAS: Bateman, Brown, Cain, Cardwell, Cockrum, Coleman, Day, Gray, Hunter, Lutz, Mahern (B), Mahern (D), Malone, Mansfield, McHenry, McQuillen, Minton-McNeill, Moriarty Adams, Nytes, Oliver, Pfisterer, Plowman, Pryor, Sanders, Scales, Smith, Speedy, Vaughn
0 NAYS:
1 ABSENT: Evans

Proposal No. 143, 2008, as amended, was retitled GENERAL ORDINANCE NO. 9, 2008, and reads as follows:

CITY-COUNTY GENERAL ORDINANCE NO. 9, 2008

PROPOSAL FOR A GENERAL ORDINANCE to amend the Revised Code to provide for posting of certain campaign finance reports on the website of the Marion County Election Board.

BE IT ORDAINED BY THE CITY-COUNTY COUNCIL OF THE
CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA:

SECTION 1. Article III of Chapter 281 of the "Revised Code of the Consolidated City and County," regarding the office of county clerk, hereby is amended by the addition of a NEW Division 3 to read as follows:

DIVISION 3 – CAMPAIGN FINANCE REPORT

Sec. 281-331. Campaign Finance Report to be posted on website.

The Marion County Election Board shall make available on the website of the County Election Board all campaign finance reports filed with the Election Board pursuant to IC 3-9-5-4, within twenty-one (21) days after such reports are due or within twenty-one (21) days after the report is filed if not filed on or before the due date.

SECTION 2. The expressed or implied repeal or amendment by this ordinance of any other ordinance or part of any other ordinance does not affect any rights or liabilities accrued, penalties incurred, or proceedings begun prior to the effective date of this ordinance. Those rights, liabilities, and proceedings are continued, and penalties shall be imposed and enforced under the repealed or amended ordinance as if this ordinance had not been adopted.

SECTION 3. Should any provision (section, paragraph, sentence, clause, or any other portion) of this ordinance be declared by a court of competent jurisdiction to be invalid for any reason, the remaining provision or provisions shall not be affected, if and only if such remaining provisions can, without the invalid provision or provisions, be given the effect intended by the Council in adopting this ordinance. To this end the provisions of this ordinance are severable.

SECTION 4. This ordinance shall be in full force and effect on July 1, 2008 after its passage by the Council.

PROPOSAL NO. 156, 2008. Councillor Hunter reported that the Public Works Committee heard Proposal No. 156, 2008 on April 3, 2008. The proposal, sponsored by Councillor Speedy, authorizes intersection controls in Sherman Commons, Sections Three, Four and Five (District 24). By a 6-0 vote, the Committee reported the proposal to the Council with the recommendation that it do pass. Councillor Hunter moved, seconded by Councillor Mansfield, for adoption. Proposal No. 156, 2008 was adopted on the following roll call vote; viz:

28 YEAS: Bateman, Brown, Cain, Cardwell, Cockrum, Coleman, Day, Gray, Hunter, Lutz, Mahern (B), Mahern (D), Malone, Mansfield, McHenry, McQuillen, Minton-McNeill, Moriarty Adams, Nytes, Oliver, Pfisterer, Plowman, Pryor, Sanders, Scales, Smith, Speedy, Vaughn

0 NAYS:

1 ABSENT: Evans

Proposal No. 156, 2008 was retitled GENERAL ORDINANCE NO. 10, 2008, and reads as follows:

CITY-COUNTY GENERAL ORDINANCE NO. 10, 2008

A GENERAL ORDINANCE amending the "Revised Code of the Consolidated City and County," Sec. 441-416, Schedule of intersection controls.

BE IT ORDAINED BY THE CITY-COUNTY COUNCIL OF THE
CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA:

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SECTION 1. The "Revised Code of the Consolidated City and County," specifically, Sec. 441-416, Schedule of intersection controls, be and the same is hereby amended by the addition of the following, to wit:

<u>BASE MAP</u>	<u>INTERSECTION</u>	<u>PREFERENTIAL</u>	<u>TYPE OF CONTROL</u>
47	Bentonville Pl Cold Harbor Dr	Cold Harbor Dr	Stop
47	Bentonville Pl Mechanicsburg Dr	Mechanicsburg Dr	Stop
47	Cold Harbor Dr Montgomery Ave	Montgomery Ave	Stop
47	Corinth Pl Groveton Ct	Groveton Ct	Stop
47	Corinth Pl Montgomery Dr	Montgomery Dr	Stop
47	Fort Sumter Dr Cold Harbor Dr	Cold Harbor Dr	Stop
47	Fort Sumter Dr Mechanicsburg Dr	Mechanicsburg Dr	Stop
47	Gainesville Ct Gainesville Dr	Gainesville Dr	Stop
47	Groveton Ct Montgomery Dr	Montgomery Dr	Stop

SECTION 2. This ordinance shall be in full force and effect upon adoption and compliance with IC 36-3-4-14.

PROPOSAL NO. 157, 2008. Councillor Vaughn reported that the Public Safety and Criminal Justice Committee heard Proposal No. 157, 2008 on March 26, 2008. The proposal, sponsored by Councillor Vaughn, amends the Revised Code with regards to the community corrections advisory board membership. By a 6-0 vote, the Committee reported the proposal to the Council with the recommendation that it do pass.

Councillor Vaughn moved to amend Section 1 of the proposal, specifically Code Sec. 283-201 (a) (3), by deleting the words "county office of family and children" and inserting in lieu thereof the words "local office of the division of family resources." Councillor Pfisterer seconded the motion.

Councillor Sanders asked how the state statute refers to this office. Robert Elrod, General Counsel, stated that this is how the office is referred to now, and is the reason for the amendment. Councillor Sanders said that this name sounds vague, whereas they are all familiar with the former name. The title of family resources makes it vague, so that a 501(c)3 organization that offers family resources could claim an appointment. Councillor Vaughn said that this amendment follows the specific title of the person who is appointed by virtue of his office. This is a government office whose name is being changed, and the statute specifies this language.

Proposal No. 157, 2008 was amended by a voice vote.

Councillor Moriarty Adams said that she did have a conversation with the current director of the agency, Brian Barton, and he agreed that this brings the Code up to state statute.

Councillor Sanders asked if the reduction in members from eleven to nine is also aligning with state statute. Councillor Vaughn stated that this language is a mirror of the state statute. He added that with regard to a previous question this evening, he has confirmed that one of those appointees to the board is an African American female.

Councillor Vaughn moved, seconded by Councillor Pfisterer, for adoption. Proposal No. 157, 2008 was adopted on the following roll call vote; viz:

27 YEAS: Bateman, Brown, Cain, Cardwell, Cockrum, Coleman, Day, Hunter, Lutz, Mahern (B), Mahern (D), Malone, Mansfield, McHenry, McQuillen, Minton-McNeill, Moriarty Adams, Nytes, Oliver, Pfisterer, Plowman, Pryor, Sanders, Scales, Smith, Speedy, Vaughn
1 NAY: Gray
1 ABSENT: Evans

Proposal No. 157, 2008 was retitled GENERAL ORDINANCE NO. 11, 2008, and reads as follows:

CITY-COUNTY GENERAL ORDINANCE NO. 11, 2008

PROPOSAL FOR A GENERAL ORDINANCE to amend the Revised Code with regards to the community corrections advisory board membership.

BE IT ORDAINED BY THE CITY-COUNTY COUNCIL OF THE
CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA:

SECTION 1. Sec. 283-201 of the "Revised Code of the Consolidated City and County" be, and is hereby amended, by deleting the stricken-through text and inserting the underlined text, to read as follows:

Sec. 283-201. Established; appointment of members and selection of officers.

The City-County Council of the Consolidated City of Indianapolis, Marion County, Indiana does hereby establish a community corrections advisory board as specified in IC 11-12-2-2(a), as follows:

- (a) The community corrections advisory board shall consist of:
- (1) The county sheriff or the sheriff's designee;
 - (2) The prosecuting attorney or the prosecuting attorney's designee;
 - (3) The director of the ~~county office of family and children~~ local office of the division of family resources or the director's designee;
 - (4) The Mayor of Indianapolis or the mayor's designee;
 - (5) Two (2) judges having criminal jurisdiction appointed by the circuit court judge, or the designees of such criminal court judges;
 - (6) One (1) judge having juvenile jurisdiction, appointed by the circuit court judge; and
 - (7) One public defender or the public defender's designee appointed by the city-county council;
 - (8) One victim or victim advocate appointed by the city-county council;
 - (9) One ex-offender appointed by the city-county council;
 - (10) ~~The eleven (11)~~ Nine (9) additional members appointed by the city-county council, which shall include:

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- (A) one (1) member of the City County Council, or such member's designee;
- ~~(A)B~~ one (1) probation officer;
- ~~(B)C~~ one (1) educational administrator;
- ~~(C)D~~ one (1) representative of a private correctional agency;
- ~~(D)E~~ one (1) mental health administrator; and
- ~~(E)~~ ~~one (1) ex-offender;~~
- ~~(F)~~ ~~one (1) public defender or the public defender's designee or one (1) attorney with a substantial criminal defense practice;~~
- ~~(G)~~ ~~the chair of the city-county council public safety and criminal justice committee or the member's designee; and~~
- ~~(H)F~~ four (4) lay persons, at least one (1) of whom must be a member of a minority race.

(b) Members of the advisory board appointed by the city-county council shall be appointed for a term of four (4) years. ~~The criminal defense attorney, if appointed by the city-county council, shall be appointed for a term of four (4) years.~~ Other members serve only while holding the office or position held at the time of appointment. ~~The circuit court judge may appoint him/herself if he/she is otherwise qualified.~~ A vacancy occurring before the expiration of the term of office shall be filled in the same manner as original appointments for the unexpired term. Members may be reappointed.

(c) Designees of officials designated under subsection (a)(1) through (a)(6) and subsection (a)(7)~~(GA)~~ serve at the pleasure of the designating official.

SECTION 2. This ordinance shall be in effect from and after its passage by the Council and compliance with Ind. Code § 36-3-4-14.

NEW BUSINESS

Councillor Sanders asked for consent to voice a point of personal privilege. Consent was given. Councillor Sanders said that she appreciated the President's remarks about maintaining decorum and abiding by the rules of the public assembly. She said that last year, they took a lot of heat in leadership because they were trying diligently to maintain the rules of decorum in this assembly. There is a 30-year history of these standing rules, and the Council can serve as an educational body for the public, so that they understand what it takes to get business conducted. She said that it is important to have some control of this body and she appreciates the President's comments and hopes the new leadership does not have to take the same heat.

Councillor Pfisterer stated that the President's wife had surgery today, and she wishes her well in her recovery. President Cockrum thanked her for her wishes and stated that his wife had a knee replacement this morning and is doing well.

ANNOUNCEMENTS AND ADJOURNMENT

The President said that the docketed agenda for this meeting of the Council having been completed, the Chair would entertain motions for adjournment.

Councillor Borst stated that he had been asked to offer the following motion for adjournment by:

- (1) All Councillors in memory of Jim Browning; and
- (2) Councillor Cain in memory of Dr. DeWitt W. Brown, M.D.; and
- (3) Councillor Nytes in memory of Don Christensen and Florabelle Wilson; and
- (4) Councillor Coleman in memory of Linda S. Sinclair; and

- (5) Councillors Bateman and Oliver in memory of Darrick L. Mitchell; and
- (6) Republican Councillors in memory of C. Richard "Dick" Pettigrew; and
- (7) Councillor Pryor in memory of Ella Walker; and
- (8) All Councillors in memory of George J. Mueller; and
- (9) All Councillors in memory of Harley Chapman.

Councillor Borst moved the adjournment of this meeting of the Indianapolis City-County Council in recognition of and respect for the life and contributions of by All Councillors in memory of Jim Browning, John Okeson, Dr. DeWitt W. Brown, M.D., Don Christensen, Florabelle Wilson, Linda S. Sinclair, Darrick L. Mitchell, C. Richard "Dick" Pettigrew, Ella Walker, George J. Mueller, and Harley Chapman. He respectfully asked the support of fellow Councillors. He further requested that the motion be made a part of the permanent records of this body and that a letter bearing the Council seal and the signature of the President be sent to the families advising of this action.

There being no further business, and upon motion duly made and seconded, the meeting adjourned at 8:54 p.m.

We hereby certify that the above and foregoing is a full, true and complete record of the proceedings of the regular concurrent meetings of the City-Council of Indianapolis-Marion County, Indiana, and Indianapolis Police, Fire and Solid Waste Collection Special Service District Councils on the 14th day of April, 2008.

In Witness Whereof, we have hereunto subscribed our signatures and caused the Seal of the City of Indianapolis to be affixed.

President

ATTEST:

Clerk of the Council

(SEAL)